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TESTIMONY

TAKEN BEFORE THE

46439

SENATE COMMITTEE ON CITIES,

PURSUANT TO

RESOLUTION ADOPTED JANUARY 20, 1890.

VOLUME II.

TRANSMITTED TO THE LEGISLATURE APRIL 16, 1891.

ALBANY:
JAMES B. LYON, STATE PRINTER.
1891.

Q. Then he told you this and you let him talk about it? A. Yes, sir; all he wanted to.

Q. Your idea was to get him in a trap, was it? A. Our idea was to counteract the plot which he had set for us.

Q. That is, he was trying to get you into a trap and you were trying to get him into one? A. We saw the object of the Lake Milk Company very early and determined to let them go as far as they would in the matter.

Q. When did you find what the object of the Lake Milk Company was; when this drunken man first spoke about it? A. My first suspicions were aroused then; yes, sir.

Q. Your idea was that this drunken man wanted to get you into a hole some way? A. Well, it looked very much that way; I do not remember my idea at the time.

Q. This drunken man staggered up and joined you and you went to the saloon? A. He did not stagger up.

Q. Went to the saloon? A. Yes, sir.

Q. And drank with and talked about the payment of money to you, and you thought that that was an attempt on the part of the company to get you in a hole? A. Yes, sir.

Q. You had no doubt about it? A. I had no doubt about it whatever; I felt as sure as I could under the circumstances, knowing as I did about the man.

Q. Your plan was to lead him on to pay some money and then punish him? A. Well, our plan was to let them go as far as they would.

Q. That is, you mean to get to the point of paying the money and pay it? A. Yes, sir; if he would do it.

Q. So that you could spring the trap and punish him? A. Yes, sir; and we could get a case of bribery against them.

Q. And you talked it over with the chief chemist? A. Yes, sir.

Q. Did you hear afterwards about the dinner at the Sinclair Hotel? A. I did not hear about any dinner at the Sinclair.

DILWORTH CHOATE, recalled:

By Mr. BOARDMAN:

Q. Mr. Choate, is this gentleman the man you saw at dinner at the Sinclair House with Mr. Intemann? [Indicating Mr. Osborn.] A. Yes, sir; that is the only time I ever saw him until now.

Q. You fully identify him? A. Yes, sir.

Mr. BOARDMAN.—Now, about identifying Reeves.

Mr. PRENTICE.—He will identify himself, sir.

ARLES C. OSBORN, recalled: TUESDAY AFTERNOON,

By Mr. BOARDMAN:

Doctor, when the committee adjourned we were
terview you had with Mr. Intemann at the saloon
A. Corner of Eighth street and Sixth avenue.
Did you ever meet Intemann again? A. Yes, sir.
When did you meet him again? A. The next tim
out 10 o'clock the next forenoon.
Where was that? A. That was in Dr. Levin
hington place, West Washington square.
as the question of money discussed at that inter
general way; Intemann stated that he had tele
y, and had received nothing definite from them i
ersation; that was all I heard.
you see him again about the matter? A. Yes, si
an stated — seemed quite anxious to have the thi
d stated that he would come to my office on F
wanted to come Thursday, but it was impossible
then; we stated we had some business which wou
sland, and he said he would come to our office
before we started out on Saturday morning; he
o'clock; I know the doctor and I were busy w
c., and generally about 10 o'clock we started out;
nearly 10 o'clock, and he didn't

money arriving; that it was after banking hours, or something of that sort, and Mr. Derling had not got the money.

Q. What week was this? A. This conversation took place on the morning or afternoon of January thirty-first; the next day was the first.

Q. That was Saturday? A. That was Saturday; now, to continue the conversation at my office; that evening he asked us where he could meet us the next day; he was very anxious to consummate this thing, evidently, and we told him we would be busy all day; it was the day for instruction at the laboratory; we met every Saturday morning for that purpose, and received instructions from Martin, and it would be impossible at that time; he wanted to know what we were going to do in the afternoon, and I told him in the afternoon we were going down to Niblo's Garden to the matinee, and could not see him then; then he wanted to know where we were going at lunch time; I told him that we would probably take lunch at the Sinclair House, which was a favorite lunch place, and would probably be there between 12 and 1; he said he would be there at that time; that night or afternoon I caught a severe cold, and the next morning I was laid up with inflamed eyes and conjunctivitis, and was excused by the department for three days, and did not see Intemann again until the morning of the third of May, when we made the last inspection of the milk of the Lake Milk Company.

Q. Did Dr. Levings tell you what had happened on the twelfth of February between him and Intemann? A. He did; yes, sir.

Q. When did he tell you? A. Dr. Levings called on me that morning, at the request of Mr. Martin, to come up and see what was the matter; he found out I was sick, and reported the facts to Mr. Martin, and I was excused from duty; then he told me he wanted to know about going to the theater; I told him I could not go with him; that I expected my brother in that morning, and would give him the ticket and let him join him and go to the Sinclair House and take lunch with him, if that would be agreeable; he said he would be very glad to do so; he knew my brother very well, and my brother did come in subsequently.

Q. Did he go there? A. No, sir.

Q. So Levings went there alone? A. Yes, sir.

Q. He met Intemann there alone? A. Yes, sir.

Q. And took lunch with him alone? A. Well, I can not remember the facts of that.

Q. You remember the fact that he told you about it? A. Yes, sir.

hing.

at he had the money there? A. I do not think th
e money part of it; I do not remember exactly.
understood that the object of meeting him Satur
money, didn't you? A. Well, he was to meet us
ject in meeting him.
ay the money? A. Something of the sort; yes, si
say you told this to Dr. Martin? A. Yes, sir.
you keep Dr. Martin informed of the various step
A. Yes, sir.
vere acting under instructions from him? A. Yes
ever told this to anybody else you say? A. N
r; I have been very cautious about not mentioning
ever told it, for instance, to any of the commis

know whether Dr. Martin did? A. No, sir; I

er told you that he did? A. No, sir; he never
ut the business between him and the commission
custom of the office for you to report to him?
immediate superior.
er have any intercourse with the commissioners yo
less I am summoned by them on something imp
e no friendly relations with them? A. None wh
Martin when you told him about this matter in th
tell you what his reason was for advising you to
? A. Yes, sir.
t he said? A. Well, the subst

chemist as to the method of analysis employed in analyzing the milk, and the case went against the department, and since then we have always been very careful in inspecting their milk, to do so very carefully, and to do so at proper intervals, and then we told Mr. Martin these facts, and he remarked that it would be very important indeed; that we must watch carefully all that this man Intemann said; that the Lake Milk Company's case was a famous one, and it would be very important to show that they had attempted to bribe us in the performance of our duty in connection with the inspection of their milk, and advised us to go on and neither encourage or discourage Intemann in whatever he might propose; to let him go on in his own way and report the facts to him from time to time.

Q. Did he tell you why he wanted you to do that? A. Yes, sir; he said that would only prove that they were in a desperate strait, and that we would get a case of bribery against them, and show what kind of work they were trying to do.

Q. Why didn't you have a case of bribery against them in this case? A. We were waiting for the proper time for that.

Q. Why didn't you have as good a case of attempted bribery against him when he first made the proposition, as you ever could have? A. Because the bribery was not consummated; we had only had the attempt made; it has never come to a head.

Q. Do you understand that in order to make an offense under the law, that it is necessary that the money should be received by the party to whom the bribe is offered; that is an offense against the attempted briber? A. I am quite unfamiliar with the law, sir; I know nothing about it.

By Senator FASSETT:

Q. Then as a matter of fact, at some time you did agree with him to accept the bribe in case he offered it? A. Yes, sir; but to be careful to do it before a witness, before some reputable witness, and have it turned over to the secretary.

Q. This plan was a plan conceived by Dr. Martin, communicated to you by Dr. Lovings, and carefully conceived? A. I do not know how carefully it was conceived.

Q. So far as you were concerned? A. Yes, sir; so far as we were concerned.

Q. You regarded it important to carry it through on those lines? A. Yes, sir.

Q. Help Intemann along to bring him to the point where the money should be actually paid? A. Yes, sir.

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our of the day or night are the inspections made?
he day and night; whenever occasion requires, we
rly in the morning.
ct that part of the season you make twice a week i
se in the morning? A. Very shortly that rule be
ummer time? A. In the summer time; yes, sir
understand that throughout this business you we
tructions? A. I did.
e not undertaken to repeat exactly those instruc
got them from Mr. Martin.
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this winter, and offered to Dr. Levings in your pre
A. It is a fact.
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Sixth avenue; the case went through the re
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Q. Did you report it? A. Yes, sir; to Mr. Martin.

Q. How long after this? A. That was immediately the next day, but one; that was on the eighth day of January.

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Q. Has it been your opinion that in order to complete the offense, it was necessary to have the money itself offered, or to see the money? A. I do not understand your question.

Q. Has it been your opinion that to complete the offense of bribery, it was necessary to see the money offered, or to have it offered? A. Well, I was under the impression that to see it offered was sufficient.

Q. Did any time occur in your interviews with Intemann, when he offered you money — I mean physically? A. No, sir.

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Broadway or elsewhere? A. No, sir.
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never told you that he did? A. No, sir; he never
about the business between him and the commissio
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Q. You have nothing to do with him except in a professional way? A. No, sir.

Q. Except in the performance of your duty as an inspector? A. Yes, sir.

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do not see any impropriety in you, as an inspector
he milk dealers there are in New York to liqu
to back rooms every day, do you? A. I do, de
it improper for you to go with Macomber to t
re? A. Yes; I think, strictly speaking, it was.
t duty in connection with your departmental
ose you were going to perform in that liqu
se there was any milk there to be inspected?
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did you suppose he had to disclose? A. I sup
in reference to some of his neighbors who w
ilk.
were not trying to catch him in an attempted
to catch anybody.
were not trying to put up a job on Macombe

he wanted you to come up to the liquor store c
nth street, you were not, of course, in the pe
as a milk inspector? A. Mr. Macomber did
anted us to go.
d: "Let us go to the liquor store?" A. No,
something very important to state to you," an

it into the liquor store? A. Yes, sir.
e back room? A. Yes, sir.
ought he wanted to talk to you about something
partment? A. I did; yes, sir.

Q. You have found out? A. Yes, sir.

Q. You had no instructions on the first night when you were in the first liquor store, the Golden Swan, you had no instructions from Martin? A. No, sir.

Q. You and Levings did not know what to do at all? A. No, sir.

Q. When the man said to you: "I will give you $300," you were dumb as an oyster, were you not? A. I was, because I was amazed that the proposition should come from a representative of the company knowing the reputation that the company had, and the difficulties the department had with them, and it struck me as being very remarkable.

Q. Wouldn't it be most natural to expect a proposition of that kind from that kind of a company? A. Well, it would be a pretty daring thing to do, in view of the fact that we had had cases against them constantly and were liable to inspect them at any time.

Q. You had no instructions from Martin that night? A. No, sir.

Q. Then you were obliged to act upon your own judgment? A. Yes, sir.

Q. And the action you did take upon that occasion was to let this man talk to you for some twenty minutes about this thing? A. Yes, sir.

Q. You never, nor did Mr. Levings, by word or look, intimate that, you disapproved at all of this proposition to pay you this money, that is true, is it not? A. Yes, sir.

Q. Just as I state it? A. Yes, sir.

Q. You left that man without having received any instructions from Martin, under the impression that you and Levings were perfectly willing to take his money; that is so, is it not? A. Yes, sir; we neither affirmed nor disaffirmed it.

Q. You left him under that impression? A. Yes, sir.

Q. You let him go away from you that night — A. I do not know what his impressions were, of course.

Q. You did it purposely, did you not? A. Well, we simply did not know what to say; we knew it to be a pretty serious matter if we did agree to such a proposition, and it was a rather startling suggestion, and we were both nonplussed, neither having an opportunity to consult with the other.

Q. You did not know what to do when a man attempted to bribe you, and so you talked with him about the bribe, and fixed the amount and the length of time for which the protection was going to be granted? A. That was going to be done by the other party.

Q. The amount was fixed, wasn't it? A. Yes, sir.

Q. The duration of time during which the parties were to be protected — three months? A. Yes, sir; that was the proposition he made.

d the North river.

ou chose—if you and Dr. Levings were bad e
terest of the public for money, and these peo
o that you were satisfied, you could make a
ch could secure them protection? A. No, sir;
r.

? A. Because there is no possibility of the
carried out without its being detected.

there inspectors who inspect your work? A
ble to be; there are inspectors liable to be se
t at any time.

FASSETT.— You might ask the witness how muc
ive?

NESS.— We could give absolutely none.

ator FASSETT:

wo gentlemen are detailed to cover that whole

re any one detailed whose business it is to g
nts every day after you? A. Not to check us o
is some one else detailed to follow you at his ow
t Mr. Martin's suggestion; yes, sir,

absence of any change or special direction, M
dence in you, it depends upon your report wh
re lodged against you? A. Yes, sir.

in your discretion there lies the possibility of
inclined to be clever? A. Well, we would h
that; we would have to get

By Mr. BOARDMAN:

Q. As a matter of fact since you have been inspector, has Dr. Martin ever taken any other inspector and set him to watch you? A. No; but he has sent us into another man's district.

Q. But he had so much confidence in you and Levings, that he never sent anybody into your district? A. So far as I know; I do not know.

Q. You never heard of it? A. No, sir.

Q. You did have a certain power in the premises, power to approve or disapprove the milk? A. Yes, sir.

Q. To report or not report? A. Yes, sir.

Q. And Levings and you were the regular inspectors who had this district? A. Yes, sir.

Q. And you were here talking for twenty minutes with this representative of a milk company? A. Yes, sir.

Q. And he knew that you were the inspectors and you knew that he represented the milk company? A. Yes, sir.

Q. And he made a proposition to pay you a certain amount of money, according to your statement, in consideration of protection for a certain period of time, and you talked to him about that proposition for twenty minutes and left him with the impression that it was satisfactory to you; that is true is it not? A. The statement that was made was that we were to think about it, the proposition he had already made.

By Mr. PRENTICE:

Q. Is it not a fact that Dr. Allen is the milk inspector who goes into any district all over the city? A. He was so until recently; he was detailed by Mr. Martin to some other duty.

Q. Was he not in January, February, March and April? A. Yes, sir.

Q. To go into any district at any time? A. Yes, sir; that is a fact.

Q. And is it not a fact that Chief Inspector Martin sometimes makes inspections? A. Yes, sir; very frequently.

Q. Then there were four men who could go into that district? A. Yes, sir.

Q. Now, did you at any interview you had when Mr. Intemann was present, state in words or substance this: "Where do I come in?" A. Never.

Q. Did you hear Dr. Levings at any time say: "Where do I come in?" A. Not at all, sir.

Q. Did you hear such words mentioned anywhere? A. No, sir.

. Boardman:

e you going to divide with Mr. Levings?
NTICE.—I object to that.
FASSETT.—I suppose on the theory that he
D.
NESS.—We did not accept it.

. BOARDMAN:

never settled it with Levings? A. No, sir.
had confidence in Levings? A. Not to any ext
TICE.—I should think the counsel would wit

money had been paid, Intemann would have g
agreed to that? A. Yes, sir—we agreed to no
ding to the understanding Intemann was to
o get an extra hundred for his own use.

ator MCNAUGHTON:

om are you required by law to report any diff
the administration? A. Mr. Martin, the chief
u, immediately after each of these transactions,
n full what occurred? A. Yes, sir.
ver withheld anything from him? A. No, sir.
anuary 1, 1890, how many times have you insp
ake Milk Company? A. Three times.
u specify the dates? A. Yes, sir; January
nty-eighth or twenty-ninth; I think it was the
-ninth, and the morning of May third; I will

they had to get rid of their skimmed milk in some way, and they sent it to New York and we knew it.

Q. Are they large dealers in milk? A. Yes, sir.

Q. The largest? A. No, sir; but they are very large dealers and they sell a great deal of milk in New York.

Q. The interview you had in regard to the ten-dollar offer to Dr. Levings, that was reported to Dr. Martin too? A. Yes, sir.

By Senator Fassett:

Q. The first night that Intemann drank with you at the Golden Swan, how full was Intemann then? A. He was so full that he was inclined to be confidential.

Q. Did he maintain his equilibrium? A. Perfectly; he was able to move around comfortably.

Q. He was not then "loaded," as the boys say? A. Well, he was so intoxicated that any proposition coming from him, we did not seriously entertain; that was about the size of it.

Q. Was his utterance thick? A. No, sir; it was very rapid.

Q. He had no difficulty in expressing himself? A. No, sir.

Q. Expressed himself with perfect clearness? A. Yes, sir; very clear.

Q. You did not misunderstand him then? A. No, sir; not at all.

Q. When you had this conversation, when you were talking; the three of you stood at the bar? A. Yes, sir; I think so.

Q. You did not sit down to take your drinks? A. No, sir.

Q. The bartender that waited upon you, did he stand opposite or not? A. I can not say, sir, he was in and out.

Q. You did not pay much attention to the barkeeper, anyway? A. No, sir.

Q. This proposition of Intemann's was the first proposition you ever had of bribery, was it? A. The first directly; once before there was something of the kind suggested and we never found who the principals in the matter were.

Q. This was the first direct assault upon your integrity? A. Yes, sir.

Q. Do you recollect which one of you two inspectors carried on the burden of the conversation with Mr. Intemann? A. Intemann carried on the burden himself; he talked at a great rate.

Q. He launched the proposition and you let it hover? A. Yes, sir.

Q. How long after this first interview was it that you had another assault by Intemann? A. That was about seventeen or eighteen days afterwards on the early morning of January twenty-eighth or twenty-ninth.

or the first? A. No, sir.
was apparently the same identical proposition
nation of his former one.
ey paralleled at every point? A. Yes, sir; the
at all.
re was nothing offensive about Intemann's
you receive any invitation to this dinner party
A. Well, there was no arrangement there; Dr.
go to lunch there.
usually lunched there? A. Very often; yes, si
Dr. Levings take you into his confidence and
was to join you? A. I knew that he was; w
d what was to be done, but my brother was
ere the next day, anyway.
ad intended to be present originally? A. Yes,
t how many hours previous to the luncheon
red that you would have to dissappoint the co
the night before that I would be unable to
cause I slept very little that night and my eye
ed so that I could not see out of them.
vings knew of the condition of your eyes? A.
see me professionally, and also on the requ
his meeting was to be the consummation of the
sed.
nsfer of the boodle? A. Yes, sir.
re there to surrender your official integrity?
I believe.

and refused to do anything at all in the matter; Dr. Levings finally became tired of this goose chase he was being led on.

Q. Did Levings tell you how many hours he had pursued him? A. No.

Q. How long was it? A. It was that forenoon.

Q. It was in the forenoon? A. Yes, sir; their lunch hour, until, I should say, half-past 3 or 4 o'clock.

Q. That would account for their only having had two or three drinks, I suppose? A. Possibly.

Q. You spoke a minute ago, and I wonder if you spoke inadvertently, you said you had cases in court constantly against this Lake Milk Company? A. Yes, sir; we have had.

Q. Do you mean that? A. Yes, sir; that is the fact.

Q. What do you mean? A. I will tell you what my connection with it has been; never became interested in any of these cases until this first winter in which the inspection was made, in December, 1889; but previous to that I knew the department had several actions and Dr. Levings was interested in one celebrated case.

Q. How many cases does it require to keep these milk venders constantly in court? A. I do not think the number has been calculated.

Q. Have there been thirty cases against this company? A. No, sir, not as many as that.

Q. Twenty? Q. No, sir; I should say, to the best of my knowledge, there have been seven or eight at least.

Q. Since when? A. Well, since I have known anything about the department, and I have been in since last July.

Q. How does that average up with the record of other milk dealers in your district? A. It is much higher than the rest.

Q. They take the palm; do they? A. Yes, sir.

Q. You have had no personal difficulties with these dealers; have you? A. No, sir.

Q. Your relations are pleasant with the other milk dealers? A. Yes, sir; I endeavor to make them so.

Q. How many cases have you had to have brought in your district, from Sixty-fifth street down to Catherine street, since last July? A. Well, I have not had — since I have had that district I have had, I suppose, taking grocers and dealers into consideration, about twenty-five or thirty.

Q. I mean milk cases? A. They are all milk cases, but we have also prosecuted grocers if they have milk in their possession.

customer; yes sir.
t requires you to be on hand in the morning
t gets beyond that point it is hard to get it
u intercept the retail wagon.
would have to stop the wagon on the street
is done.
you two gentlemen alone have been inspe
e? A. Yes, sir.
often, as a matter of fact, has Dr. Martin insp
A. I do not know that he has made any lacto
now that he has on two or three occasions du
ne out with the whole corps of inspectors Sa
ing of that kind and exercised general supervi
of a field day? A. Yes, sir.
of a maneuver? A. Yes, sir.
Martin is the chemist, is he not? A. Yes, sir.
kept busy analyzing the samples which yo
A. No, sir; that is done by the assistant chemi
perintends that work? A. Yes, sir.
Martin's interference has not been very frequent
pose — how many special inspectors have beer
ou? A. I do not know that there has been an
you have been on the force how long? A
July, I believe I was appointed.
had been disposed to omit a careful inspect
milk, that neglect on your part would no
any officer from Dr. Martin nor the supervisin
ly? A. No, sir;

of the trade of Macomber, for instance? A. I think his sales are about 1,200 quarts a day.

Q. I thought it was something like 3,000? A. Well, it may be, I do not remember exactly; we will assume if they have stated 3,000 quarts; we will take that as a basis; I suppose the average sales are five and a half and six cents.

Q. Is the purchase price? A. I think they have to pay about three cents at the creameries.

Q. Then they pay transportation? A. Yes, sir.

By Senator McNaughton:

Q. Do you know the name of the bartender who served at the Golden Swan? A. No, sir; I do not.

Q. Was he the regular bartender? A. I do not know, sir.

Mr. Prentice.—If the chairman please, the president of the board of health is here to answer the question whether any charges have been presented against the inspectors, or whether this matter has been called to his attention.

Mr. Boardman.—I thought he would like to hear Dr. Levings' statement on the stand.

Senator Fassett.—The committee would be willing and glad to hear.

Allen G. Levings, being duly sworn, testified as follows:

Q. Doctor, you have been here during the time that Dr. Osborn was being examined, have you not? A. Yes, sir.

Q. Would your recollection of the occurrences, as far as he testified to what occurred when you and he was present, agree with his statement? A. Exactly, sir.

Q. To state what he said in substance; he said that you had an interview with Intemann at a saloon known as the Golden Swan? A. Yes, sir.

Q. That is correct? A. Yes, sir.

Q. That Intemann was intoxicated? A. He was under the influence of liquor; yes, sir.

Q. You may state the story in your own way; describe the first interview you had with him; I understand you had no acquaintance with him before that? A. No, sir; I knew Mr. Intemann before; before Dr. Osborn and I went to investigate together; I had been in his place and seen Mr. Houston.

Q. You had no acquaintance with Intemann? A. No, sir.

Q. You performed your duty at his place? A. Yes, sir.

Q. Then what happened? A. After the inspection had been made, Dr. Osborn and myself started down, it being rather cold, we started

...ame up something about Mr. Houston's ...
the business right, and he probably would s...
would talk to us sometime; so Mr. Intemann ...
that we should stay away from his place, an...
substance, what it would be worth; neither ...
ttention; we looked at it in surprise, it being t...
arge had been offered.

Q. Nothing had been offered up to that t...
anted to give us a hundred dollars apiece, and ...
llars himself, and that he would represent to I...

Senator Fassett.—Can't you tell us just exactl...
n developed?

Q. Repeat the conversation? A. I think the ...
ple in the place including the bartender; ...
ind the bar, and Mr. Intemann stood on the ...
Osborn stood next, and I on the left of Dr. O...
d in the center, and Mr. Intemann on one ...
r.

Now, state the talk? A. Mr. Intemann kn...
oard of health had had with the Lake Milk ...
ment that they did not want to get into any ...
he would like to have it fixed up, or words to ...
ive you the exact conversation, but words to t...
like to have things fixed, and wanted to kno...
up for a hundred dollars apiece to stay away ...
ve Dr. Osborn then ordered the cigars ...
id he not ...

Q. And did it on purpose? A. He did it on purpose.

Q. At that time you had no instructions from anybody? A. No, sir.

Q. How long was it before you got instructions from anybody? A. That was January eleventh in the morning; — the following Monday I think, or Saturday.

Q. How many days was it after that proposition was made before you reported it? A. Two or three.

Q. Then if Dr. Osborn testified on the stand that it was on the following morning, he was in error?

Mr. Paentice — He did not testify so, if you please, he said there was an interval. He said the board of health meeting had occurred a long while.

Q. How many days afterwards was it that you reported it, and what made you report it? A. Because I thought it was an attempt to bribe.

Q. Whom did you report it to? A. I think it was Mr. Martin, in person or if not, then to Mr. Beebe, the assistant chemist, either one or the other.

Q. Can't you remember which one it was? A. I think it was Dr Martin.

Q. Did you go there with Dr. Osborn? A. I went there with Dr Osborn or Dr. Osborn met me at my house.

Q. Did you tell the doctor all about it, Dr. Martin? A. Yes, sir; I think it was Dr. Martin; I am pretty positive of it.

Q. Will you swear it was Dr. Martin? A. No; sir; nor I will not swear it was not, but the best of my recollection is it was Dr. Martin that Dr. Osborn told it to.

Q. Dr. Osborn told it and you listened? A. Yes, sir.

Q. State exactly what Dr. Martin said to you, if it was Dr. Martin, and Dr. Beebe, if it was Dr. Beebe; what was it exactly that was said? A. The orders were —

Q. State what he said, repeat his language as nearly as you can? A. Mr. Martin told us to not encourage Mr. Intemann if we saw him again, if he made any advances to us —

Q. Not to encourage him? A. Not to encourage him or to discourage him, but to let matters go on as they were; we did not see anything of Mr. Intemann after that until —

Q. Was that all Martin said to you? A. Well, that was the substance of the language in reference to Mr. Intemann; of course we had our orders for a week's work to do, but in this particular case that was about the substance of it.

ann again until the early morning of January t
What saloon were you in then? A. This was n
ly morning inspection at 3 o'clock, 3 or half-p
ted the milk at Mr. Intemann's place.
How long was that after the first visit? A. Fr
twenty-ninth.
You inspected the milk, did you? A. Yes, sir.
Did you find anything wrong? A. Yes, sir.
And you left a sample? A. Left three sa
nn.
nd took away the others? A. That is, Dr. Osb
ou took off the other samples for the depar
took the samples; they were taken home t

you know whether they were sent to the depa
at the milk went down to the laboratory and w
nist.
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hortly after the inspection had been made.
s he intoxicated then? A. He did not appear
u were on your way to a saloon then? A. No
you go to one? A. I went to one after the i
made.
re you on your way to the saloon then? A. W
arle's Hotel, which is an all-night restaurant;
restaurant was closed, I think; there is a rest

Q. You had no special relations with Intemann, as I understand? A. No, sir.

Q. And he never saw him before in his life? A. No, sir.

Q. And he joined the party against the will of everybody, and was still invited to drink? A. He did not join the party against his will.

Q. Agsinst your will? A. It is a usual occurrence if you see a man talking with another man, to ask him to drink.

Q. If the man has tried to bribe you ten days before, that would not be any reason why you should not ask him to drink with you? A. No, sir; I think it would be better to invite him, under those circumstances, as long as we intended to bring him on.

Q. At this interview did he speak of the money? A. Yes, sir; he did speak of the money.

Q. And said he was trying to get it, or something to that effect? A. He said the company were dead slow, or they were no good, or words to that effect.

Q. You never said a word? A. No; I was talking with Mr. Heaton.

Q. You never did from beginning to end when he suggested to you there was to be $300, and you were to have so much, and Dr. Osborn so much, you never said a word? A. No, sir; not about money; I was talking about Mr. Houston.

Q. You never said aye or nay to the proposition? A. No, sir.

Q. And never made an observation that would either encourage or discourage him? A. Not a particle until later on; we are talking about this case particularly now.

Q. You made no suggestion at all, but stood and listened to what he had to say about this matter, without making a single observation; that is true? A. Yes, sir; that is true.

Q. And that is true of Osborn, too? A. That is true of Osborn, too.

Q. So that you stood as dumb as oysters there while he stated and talked and discussed with himself, obeying the instructions of Martin, to neither encourage or discourage? A. Yes, sir.

Q. Then the interview at Earle's Hotel was not very fruitful? A. No, sir.

Q. When did you see him again? A. I was awakened the next morning by Mr. Intemann coming into my room at the boarding-house I was living at at the time; he came in and woke me up; I was very tired and sleepy, and Mr. Intemann said: "I have got a telegram here that I have sent and I have got a reply to it;" what the reply was I could not say, because I was too sleepy, but it had some reference to the telegram to Mr. Intemann.

Q. Something about money? A. I could not tell you, sir.

meaning of the whole thing abo

When was the next time you met Intemann? A.
mann again until the early morning of January tw

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is president of the company, to have Mr. Intemar
d make it all right, or words to that effect; whil
born came in by appointment; we took the sam
combers, and got proof of the ownership of t
ing admitted it all right, and then I turned to
orn came in Intemann stopped talking; I sa
mann, what you have told me tell Dr. Osborn;"
Intemann, after having told him that, excused h
nd dressed myself; if I remember correctly, I
lf before he went out, but I do not remember; I
tarted and went to Macomber's to get proof
mber, and he invited us into the back part of th
I did not care to come to the Macomber incident
interviews with Intemann; there is the interview
the interview at Earle's Hotel, and the interview
rning; when did you first have your interview
get up out of the bed and go out and have a d
A. No, sir.
hen did you have your next interview with him
day morning, I think; the next interview was Fr
here was that? A. It was at Mr. Osborn's hou
, about half-past 9 or a quarter to 10.
s he still harping on the money? A. He came
aid he had not made any progress yet.
e you poking him up at those times to get the
was not.
did not tell him that, if

Q. I thought he had already received a telegram on Sunday from Derling to fix it up with the inspectors? A. Yes; but Derling telegraphed down to Intemann saying that he would be down himself and get the money so that Intemann probably, or some other gentleman could bring it up to us probably.

Q. This was Friday morning? A. This was Friday morning.

Q. That was at Dr. Osborn's house? A. No, it was not; we had waited writing up our reports or something; along about 10 o'clock we strolled out to make the daily inspections, and we got down to about Seventh avenue and Forty-eighth street; I think it was Seventh avenue, and Mr. Intemann came whistling after us; he hailed us and stopped us and said: "Why didn't you stop, I was whistling after you?" I said: "I didn't hear you;" and then he told me the fact that Mr. Derling was coming down.

Q. About his coming down? A. Yes.

Q. Did you go to any liquor store then? A. No, sir; we were on our way to inspection.

Q. Did you see him again on that Friday? A. About 5 o'clock that Friday afternoon, Mr. Intemann came to Dr. Osborn's house; he made some excuses, or apologies rather, and seemed very sorry that he had not got the money and apologized; that Mr. Derling came in after banking hours; that he could not get the money because it was after banking hours.

Q. But he said he would have it to-morrow? A. But he said he would have it to-morrow.

Q. But he made an appointment to take lunch with you? A. No, sir; there was no appointment made at all; he wanted to know what we were going to do in the morning, and we told him we had department work to do; he asked us what we were going to do in the afternoon, and we said probably we were going to the matinee; he asked us where we were going to lunch; either Mr. Osborn or myself said we were going to lunch at the Sinclair.

Q. He said he would be there with the money? A. Money was not mentioned at all, he said he would be there.

Q. Then Dr. Osborn was sick and didn't turn up? A. He was sick.

Q. He had conjunctivitis and he did not turn up and you did; you went to the Sinclair hotel, didn't you? A. Yes, sir.

Q. What did you take lunch with him for? A. Because he came in there and said he was going in to lunch, or rather I saw him there and didn't intend to meet him; that I assure you.

Q. You would a little rather not meet him? A. Alone; yes, sir; if I had had some witness with me I would not mind it.

ordered it? A. I ordered it.
Q. Paid for both? A. Paid for both.
Q. You treated him like a friend? A. I did n
nemy.
Q. You ordered the lunch and paid for it? A.
Q. Was the subject of money mentioned during
word.
Q. Where did you go after the lunch? A. W
e door leading on to Eighth street, and there M
have got it; where can we go and be private;
uld be agreeable to him, we would go down to the
et and University place where I knew I coul
ugh the bartender, as I knew him; he had been
You did not tell that to Intemann? A. No, sir.
You went to the Brevoort House, did you? A. I
You first went to University place? A. I first we
.
You tried to get him to pay the money over to
, sir; I did not mention a word about money.
Did you say anything to the bartender about
to come there and pay over money? A. No, sir.
How could the bartender be depended upon as
know? A. I took that chance, sir; there is a
o the back room which was open.
because that door was open you went into thi
n and took the chances of the bartender
the door and and seeing him hand you the
sir.
you ask him

Q. Without being told that anything of the sort was going on? A. A. Yes, sir; I took those chances.

Q. Nobody said anything; you did not say anything and he did not? A. No, sir.

Q. You talked about milk and finally you got up and left? A. Mr. Intemann was looking around in a very nervous way and he turned to me and said: "This is not private enough for my business; let's go somewhere else."

Q. Where did you then suggest going? A. We walked down Eighth street to the Brevoort House.

Q. Was the bartender of the Brevoort House a patient of yours? A. No, sir.

Q. You had no witness there? A. No, sir.

Q. Who suggested going to the Brevoort House? A. I really do not know; I think it was myself.

Q. Was the bartender of the Brevoort House a patient of yours? A. No, sir; he was not.

Q. Was he so situated that looking through the door he could have looked into the next room and perhaps have seen it? A. No, sir.

Q. Was there any witness there at all? A. Yes, sir.

Q. Who was the witness? A. The barber in that room; it is a square room and the barber could look right through in there.

Q. And see you? A. Yes, sir.

Q. Was the barber a patient of yours? A. No, sir.

Q. Did you say anything to the barber about it? A. No, sir.

Q. Did you take the chances of the barber looking through at that moment when the money was handed to you? A. Exactly.

Q. You took those chances? A. I took those chances.

Q. When you got there did you suggest paying the money? A. No, sir.

Q. You wanted the money; you wanted him to pay you the money? A. Yes, sir.

Q. That was the consummation you were working up to? A. Yes, sir.

Q. And when you got there did you say you were tired of anything of that sort? A. No, sir.

Q. And you wanted him to pay it? A. No, sir.

Q. What did he say then? A. He said, looking out of the window, he said: "There is a friend of yours, maybe he is coming in;" he was very nervous; he reddened up and he ordered a drink for which I paid; he said: "Come let's go, let's get out," or words to that effect; we went out and I went to the bartender and paid the bill.

I said I was going up to see Dr. Osborn, as h
en a severe cold, and it was late and I was very t
late for the matinee, and I was going home.
Did you tell him you would give him one more
money? A. No, sir.
Did you do anything at the last place to get
ey? A. No, sir.
Did he complain of the fact that Dr. Osborn
rding to agreement? A. He spoke something abo
eing there.
Did he say he was timid about paying the money?
Did you tell him when you went in the Brevoort Ho
character of that hostelry, that there had been a
paid over the counter there, that that was Ch
and more money than you or he had seen, had pass
r? A. I think I said that Charlie Waite and I
with his brother, and this was the hotel that he ra
ou said that, did you not, to induce him to pay yo
that was the idea? A. I do not know really wh
that idea at all.
This is a good safe place to pay money, because
place, and it fairly reeks with corruption;" that w
ot? A. It might convey that idea.
at is the idea you meant to convey? A. Not neces
necessarily? A. No, sir.
at connection had the fact that that was Charl
th the propriety or impropriety of his paying t
A. I do not know as any, sir.

have some witness view that thing with myself; I was not going to take the responsibility of having that money given out alone.

Q. He wanted the same thing that you wanted, namely, that Dr. Osborn should be there; you wanted the same thing? A. I wanted some witness; I did not know who it was.

Q. Was that the last interview you had with Intemann about this matter? A. He left at the elevated station; yes, sir.

Q. That is the whole story as far as Intemann is concerned? A. Yes, sir; up to May third, in the early morning; I never saw him after that until May third.

Q. He did not talk to you on May third about money? A. No, sir.

Q. That is the whole story as far as the money matter is concerned? A. Yes, sir.

Q. Now in reference to the Macomber business; do you deny that on the night that you inspected the milk there, you told the drivers to tell the boss that you and the other doctor would be around in the morning to see him; do you deny that? A. No, sir; I do not deny that.

Q. You admit it? A. I know that there was something of that was said; it was not the boss —

Q. Do you deny when you went into the back room where Mr Macomber was sitting at his desk, that there were three gentlemen? A. Are you talking of the following morning?

Q. I am talking of the following morning, that there were three gentlemen in the room? A. On the twenty-ninth of January?

Q. Yes; that there were three other gentlemen in the room? A. There may have been in the front part of the store, but there were not in the back; there may have been the bookkeeper in the back of store, or the bookkeeper was there when we went in, and after we went in the bookkeeper went out, and Mr. Macomber closed the door.

Q. Do you deny that you requested the people who were there other than Macomber to withdraw, as you wanted a private interview? A. I deny I ever said any such thing as that.

Q. Do you deny that the other doctor said that in your hearing? A. I do deny that.

Q. You claim nothing of the sort was said? A. I claim nothing of the sort was said.

Q. What was the conversation between you and Macomber that morning; you did have a private interview did you not? A. Later on.

Q. How much later on? A. I am getting a little mixed up with the previous time, the sixth of January.

got to that part at all; you remember th
lemned some of his milk, and you told the drivers that
round in the morning to see Mr. Macomber, or so
sort? A. Yes, sir.
You went around to his office? A. Yes, sir.
You and the doctor had a private interview with him?
ith the door closed.
hat was at his store? A. Yes, sir.
tate what occurred at that interview? A. We asked t
ns: "That was your milk we seized last night?" and a
nission of ownership, Mr. Macomber said: "Why,
se samples of milk all been turned in yet?" Dr. Osbor
y have not;" he said: "We are on our way down
y to turn them in;" "well," he said, "will you look
f milk," bringing out his sample and holding it up s
see about the amount of cream on the bottom; Mr. M
'Is not there any way that we could get around by
nples of milk down to the laboratory?" Dr. Osborn
e up and said: "No; there was no possible way of d
he officer was with us and made notes of the case, etc.,
ee any probable way of doing that."
lo you mean by an officer being with you? A. The sa
at is detailed to the inspectors.
o you understand that that had to do with your turnin
les? A. It was preposterous on the face of it.
have been just as preposterous if the officer had no
uld it not? A. Certainly.
u mean to express to him when you said
there and it could

sanitary officer with you and the doctor when you were making that examination? A. If I said so, I did not mean it; what I meant to have said was, that at the time of the inspection, on getting proof of ownership from Macomber, I never mentioned the word sanitary officer to him.

Q. Mr. Macomber swore that you said to him that you were breaking in a green hand that night, and that green hand was there, and that for that reason there would be a good deal of risk to not turn in these samples to the department? A. That is an absolute falsehood.

Q. The green hand business is, is it? A. Yes, sir.

Q. But the sanitary officer; what about him? A. I never mentioned the sanitary officer to Mr. Macomber or in his presence, or anywhere where he was.

Q. But there was a sanitary officer there? A. There was a sanitary officer there.

Q. And if you had not turned them in, the sanitary officer could have told on you? A. No, sir.

Q. He knew you had condemned the milk? A. He was there.

Q. And he knew that you had condemned it? A. Yes, sir.

Q. Therefore, if you did not turn them in, and he found it out, he would know you had violated your duty? A. If we had not turned them in; yes, sir.

Q. He would know it? A. Yes, sir.

Q. And you were in that position by reason of his presence, a position you would not have been in if he had not been there; that is true, is it not? A. Do you mean to infer that if the officer had not been there we would have turned them in?

Q. I mean to say that the officer's presence made it harder for you to change the situation? A. No, sir; it did not.

By Senator Fassett:

Q. I do not think you understand the question; the counsel means this: The fact that the sanitary officer was with you and knew that you took samples at this time, made the situation somewhat different than though he had not been with you, in case you had desired to suppress the samples? A. No, sir.

Q. Did the sanitary officer make a memorandum of what occurred on his round? A. I do not really know, sir.

Q. But he saw what you were doing? A. He was going from one end of the sidewalk to the other.

Q. He was there? A. Yes, sir.

Q. For all you know he had full knowledge of what you were doing? A. I did not pay any attention to the officer.

...he was present made some
a particle of difference, sir, I should have taken sa
m to the laboratory—
. It seems to me you are afraid of the question; th
had desired to cheat would not there have been t
man might tell on you, which would not have ex
been there? A. I see the question now; there wou
By Mr. BOARDMAN:
Now, there was some other time when you had an i
Macomber at some saloon? A. Yes, sir.
The first interview was with him at his office or sto
ter being sent for.
What day was that? A. It was about April fift
ay morning.
e sent for you? A. Yes, sir.
ou went down there with Dr. Osborn? A. No, sir; I
hop across the street getting shaved; Mr. Horton,
t, had been over to the barber shop and left word
rietor of the store that if Dr. Levings came in he wo
to call over and see Mr. Macomber; that Macombe
n on business.
re was Osborn? A. I do not really know where he
he not go with you up there? A. Not that aftern
the last time.
referring to the time when he saw you and you and
There were two different occasions.
TICE.—The first one was in January and the

Q. Sent from him to what place? A. To the barber shop right directly across the street.

Q. When he wanted to communicate with you he went to the barber shop? A. He knew I went there to be shaved.

Q. You went to see him? A. Yes, sir.

Q. Did you get the other doctor to go with you? A. Dr. Osborn and I were both in the barber shop together.

Q. It just happened so? A. Yes, sir.

Q. Why did you take Dr. Osborn when the letter only called for your presence? A. Because at that time we had just only about a week been together.

Q. You hunted in couples from that time? A. We hunted in couples from that time as you might say.

Q. You went there to his store together? A. Yes, sir.

Q. What was said? A. Macomber said he would like to talk with us privately and put on his coat and hat and went out.

Q. Did he say where he wanted to take you? A. No, sir; no particular place.

Q. You went out? A. Yes, sir; and went to Mr. Evers.

Q. Is that a liquor store? A. That is a liquor store; yes, sir.

Q. And went into the back room? A. Went into a small room with curtains; we went through the front door.

Q. You got into a back room, into a curtained part? A. Mr. Macomber drew the curtain.

Q. What duty did you suppose you were performing on that occasion as a milk inspector? A. We had spent seven hours, and after we are supposed to be off until we get notice —

Q. You did not suppose you were performing any duty as a milk inspector? A. No, sir.

Q. I understood Dr. Osborn to swear that he considered that there was going to be some proposition made by Macomber of an improper character, or some information given about somebody that sold skimmed milk, and that he went there in the interest of the department to this liquor store to get the information? A. Yes, sir.

Q. You did not? A. I went in the same way, but I say there at seven hours, working from 9 to 4.

Q. Did you or did you not go to this liquor store upon that occasion in the performance of a duty; were you simply amusing yourself, or did you go to get information? A. I went for both, sir; any information I can pick up in the line of duty is done, whether it is during the seven hours or after it.

...machine, or to ...
...nufacturing artificial ice, and how much a plant ...
...and what was the best one and where was the ...
...n, and then he led up and said: "By the by, doct...
...have to devote much time? It is pretty hard, ...
...it?" he said: "Yes;" he says: "What is th...
...ctor?" Doctor Osborn told him the sum; Ma...
...very much pleased; he says: "That is very s...
...ally could not live on that, and that is altoget...
...after a few words Macomber put his hand in h...
...long pocket book with money in it flat and p...
...en dollar-bills; Doctor Osborn asked him wha...
...d he did not wish to infer that it was intended ...
...for good feeling and good liking.
...ort of a present? A. As a present knowing that...
...ar before the board the next day; Doctor Os...
...he money or I, but he said: "Why, no, Macom...
...question entirely; this is entirely out of the ...
...tter put it back into your pocket, we can not ...
...er put the money back in his pocket, and seem...
...hagrined about the thing to think that he had ...
...in that position, and after a few words we starte...
...ing out Macomber says: "Why, doctor, with ...
...is, I really did not mean any harm in this; I h...
...nything about it to anybody."
...you? A. No, sir; I did not.
...never spoke about it? A. Yes, sir; down to the ...
...went right down to the department and told it ...
...Monday following.

Q. There was a good deal of fault found with that? A. Yes, sir; we had a good deal of talk about it, and told that in the future we must be sure to have the facts in full and make no mistake.

Q. You did not think the ten-dollar part was straight, did you? A. Well, I suppose the man did it innocently.

Q. You went before the board and told the board you thought Macomber was trying to do a straight business, when the day before he was trying to bribe you? A. Macomber has always to that time—

Q. The fact is you went before the board on Tuesday and testified that you thought Macomber was trying to do a straight business, when the day before you swear he tried to bribe you, and you never told the board anything about it? A. Yes, sir.

Q. That is true? A. Yes, sir.

Q. You testified that? A. I testified that and swear to it.

Q. Now, come down to the April interview with Macomber; was an attempt made upon your virtue on that occasion? A. Yes, sir.

Q. What shape did that take A. The shape of a five-dollar bill.

Q. Who offered it? A. Mr. Macomber in person; I asked him what that was for, and he said pocket money; I said I had plenty of pocket money.

Q. When was that? A. It was about the fifteenth; I think Saturday, the fifteenth of April.

Q. Who was present? A. Nobody but Mr. Macomber and myself.

Q. Where was it? A. On the corner of Tenth street and Sixth avenue.

Q. In the street? A. No, sir; in a saloon; it was Macomber's request that we should go in there.

Q. Where is that saloon? A. It is on the corner of Sixth avenue and Tenth street.

Q. Hadn't it a name? A. Bartlett's.

By Senator Fassett:

Q. Doctor, how old a man are you? A. I am past 28, sir.

Q. Are you a practicing physician? A. I am.

Q. Are you a New York boy? A. I am a New York city boy, sir.

Q. How long have you been in the employ of the city board of health? A. About two years and a couple of months.

Q. Do you obtain these positions by arbitrary appointment or after passing an examination? A. After passing an examination.

Q. And you were selected in that way? A. I was selected in that way.

Q. You made an application, and you were examined? A. Yes, sir.

went into the saloon first? A. That I could
Who ordered the drinks? A. He ordered the cig
he drinks came first? A. The drinks came first.
id you pay for the drinks? A. I paid for the dr
That was ordered? A. To the best of my kno

at was the drink for all three? A. I had
I was very chilly.
re they not all hot drinks? A. No; I think th
iskys.

you tell the position of you gentlemen at the b
Intemann was there; Dr. Osborn in the middle
. Osborn.

you stand there during your entire stay in the
ree stand against the bar? A. I think we did.
there is where the conversation took place? A.
he conversation took place.
was it that first spoke about Mr. Houston not t
Mr. Intemann.
ou remember the precise form of his remarks?
"Mr. Houston does not know how to run the bu
at effect.
e indicate the particulars in which he was defic
simply said Houston did not know how to run
pted to be appointed superintendent of the L
own at New York.
ggested that he would run it better if he were
Yes, sir.
as the first

Q. He stood at Osborn's right? A. He stood at Osborn's right.

Q. Did he talk in a loud voice? A. In a fair tone of voice.

Q. So you could hear easily what he said? A. Fairly well.

Q. You paid attention to the conversation? A. Yes, sir.

Q. Do you know whether the first remark to Osborn was, "I will give you a hundred dollars for three months' protection?" A. No.

Q. What shape did the first proposition come in? A. That we would have $200, a hundred dollars apiece, if we would stay away for three months.

Q. Intemann who fixed the time? A. It was Intemann who fixed the time and price and, as he said afterwards, make it $300 and we will make it appear as though you and Dr. Osborn were going to get the $300.

Q. That was the only way he could get anything out of the company? A. Yes, sir; he made the remark that he was only getting some fifteen or sixteen dollars a week, and he had some debts to pay and it would come in very handy.

Q. Do you know how he came to fix upon the sum of a hundred dollars? A. No, sir.

Q. Did he know what your salary was? A. No, sir; I do not believe he did.

Q. Who was the barkeeper there? A. I do not know what his name is.

Q. Where was he during this conversation? A. He was walking up and down or talking to a man, I think, at the end of the counter.

Q. You stayed there and smoked before you finished the conversation? A. We lit a cigar there and probably got so that you could see the ash and went out.

Q. Were you there ten minutes? A. Yes; not over fifteen minutes at the outside, I think.

Q. Was that the first time you ever had anybody offer to bribe you? A. No, sir; I have had twenty-five cents offered.

Q. On First and Second avenues I suppose the price is ten, fifteen or twenty-five cents? A. Yes; I suppose so.

Q. There was an umbrella at one time wasn't there? A. Yes, sir; I have a letter home in the case of the umbrella.

Q. That was offered in writing, was it? A. That was the compliments of somebody else that I did not know anything about.

Q. This was the first important or startling proposition you ever received to be bribed? A. Yes, sir.

Q. Why didn't you kick that fellow right out doors? A. Well, I do not know really why I didn't.

convictions against that company
d one case tried at General Sessions on some t
fferent methods of analysis and we lost our case o
different methods of analysis.
That was not the reason why you did not rebul
A. No, sir; the reason I did not rebuke hi
s to lead him on and see how far he would go ar
ts.
he idea instantly occurred to you that it was p
n on to see how far he would go? A. Yes, sir.
that the suggestion of catching this man did n
tin? A. The original one came away back, to
time the proposition was made.
the Golden Swan? A. In the Golden Swan;
m Dr. Martin until the facts were reported with.
reason that you did not rebuke that man righ
ould be a good thing to entrap him? A. Yes, sir
case against a man; that of violating the sanit
o bribe.
you ever had any trouble with Intemann? A. N
there any particular friction between you and
pany? A. No, sir.
hadn't any malice against the company? A. No,
hey against you, so far as you know? A. Yes
gainst me, I believe.
ecause they had some against you, therefore yo
ry and lead this man into a felony? A. Not at a
to bribe an officer in the

Q. Will you tell me how many days after this proposition to purchase your peace or your indifference that you made it known to Dr. Martin? A. The following Monday, I think.

Q. That was two or three or four days after. A. Yes, sir.

Q. Did you meet Intemann again in the meantime? A. No; I think I made a report to him Saturday morning; it was within two or three days anyway; I would not quite swear whether it was the next morning or the morning following.

Q. Did Intemann strike you as a man pretty well intoxicated that morning? A. I considered him pretty well under the influence of liquor; fairly well so.

Q. It was not then that you regarded his talk as the maudlin conversation of a half drunken man that you did not rebuke him? A. The first time Intemann spoke of it I was rather surprised at it; but when he kept on I knew in a moment what he wanted; the first time he spoke about the thing at all I knew that Mr. Intemann was rather under the influence of liquor; not enough but what he knew what he was doing and saying.

Q. The first and second times occurred in front of this bar? A. That was the first time that he spoke of money; I was surprised at it; right there and in this same place and in the Golden Swan; the first time he spoke of it I was surprised, and in the Golden Swan, in the same day and at the same time.

Q. A few minutes later? A. A few minutes later; after we had the cigars.

Q. He made you understand that he meant business right there? A. Yes.

Q. There was no misunderstanding about that? A. There was no misunderstanding about it at all; in fact, the thing was not said to him at all.

Q. You did not understand that he was merely setting a trap for you and Dr. Osborn? A. No, sir; we did not think there was any trap being set; we thought he was very serious; he really was very anxious about it himself.

Q. Do you recall anybody saying at that time either you or Intemann or Osborn: "Where do I come in on this?" A. No, sir; that was not said.

Q. Didn't you say in overhearing Intemann and Osborn talking together at first? A. No, sir.

Q. If the conversation had been going on between Osborn and Intemann, and you did not catch what was going on, it would be

A. No, sir.

Were any of the employes present? A. Yes, sir

p.

it a fact that it was unusual for this sanitary offic

A. No, sir; sanitary officers are always with us fo

as this a new man? A. No, sir; there was an expe

as he experienced in your section of the city? A.

w long had he been in your department? A.

t say.

ear? A. Well, I could not tell you that; I do not

men have been there.

many times has this same officer been with you?

probably altogether through the whole time he

it or ten times.

e time you were at Macomber's, how many times

th you?

TICE.—They only go when they make a raid on the

'ASSETT.—I was at a loss to understand how Macon

e statement, and put it in the mouths of the ge

d a green officer with them.

BOARDMAN:

it about that time that there was a green

A. No, sir; there was not; the green officer who

the man with us, because the man who was with

nick, who was detailed at the time the law wer

milk inspectors go around in the presence of

By Senator McNaughton:

Q. Was anything said by Dr. Martin about getting proof sufficient for an indictment against Intemann? A. Well, to go as far as possible — get an indictment if possible, and neither encourage or discourage him in his transactions.

Q. What was said about that, that you were asked to get proof against these parties sufficient to get an indictment? A. He said go ahead with it; neither discourage or encourage the man, but got a case of bribery against him if possible, and the moment you have received the money take it right down directly either to myself or to Colonel Clark, or if Colonel Clark or myself are not there, take it directly to the president, have it counted in the presence of one or two reputable witnesses and leave it there.

Q. Who is Colonel Clark? A. The secretary of the board.

Q. What did he say about the indictment? A. There was no indictment that I remember; it was simply a case of bribery if possible.

By Senator Fassett:

Q. Was this episode with Macomber when he offered you and Osborn a ten-dollar bill, was this after Intemann had made his offer? A. This was before Intemann had made his offer.

Q. The ten-dollar business was before? A. The ten-dollar business was before Intemann had made his.

Q. At that time you had no instructions? A. No general, positive instructions; he gave us a good scolding about taking the offer from Macomber as a bribe, and told us that we should never entertain a proposition of that kind.

Q. You did not entertain it, did you? A. Never in the world.

Q. When was this street corner performance, before or after the Intemann episode? A. That was between the times, between the eleventh and twenty-ninth.

Q. Why didn't you take that money that Macomber offered you, and take it down to the officers? A. I had no witnesses there to that fact.

Q. You had the money? A. I had the money.

By Mr. Boardman:

Q. You had the doctor? A. At the ten-dollar time, after the ten-dollar instructions, we had instructions from Mr. Martin not to entertain any such thing as that, and to look upon it as a disgrace.

Q. Are you not mistaken in stating that the Macomber preceded in point of time, the Intemann incident; did you not state to me that the Intemann incident was on the eleventh of January, and the

nt occurred, and then on the eleventh of January that
rence again, and then on the twenty-ninth
y Senator FASSETT:
Why didn't you take that five dollars under Ma
A. I had no witness to that occurrence, sir; Mi
ould be just as good as mine, that he never tend
Mr. BOARDMAN:
a matter of fact, you never did make any att
n indicted, or to bring the matter to the atter
es? A. Because the money was not forthcoming
l if this investigation had not brought out the fa
no complaint before the board, no one would h
at all about this business? A. Why the depart
it; the department was informed.
mean Mr. Martin? A. Martin.
ou mean to say the president of the board knew
A. I do not know that he did.
u mean to say that any commissioner of the healt
anything about it? A. No, sir; I do not believe
whole thing was locked up in the hearts of Mr. M
and you and Intemann? A. Yes, sir.
PRENTICE:
as it that you did not inform the board of healt
attempted bribery with ten dollars when he and y
ard at the time of his examination?
rtin, as he

Q. Is it not a fact that you knew Macomber was before the board? A. I did know that, sir.

Q. Did you or someone then state that he had acted fairly? A. Yes, sir.

Q. Why didn't you then make the statement to the board of health that he had offered you ten dollars? A. Because my instructions came from the chief chemist, Mr. Martin.

By Mr. BOARDMAN:

Q. Not to tell him? A. I was told to tell Mr. Martin.

Q. And not to tell the commissioner? A. I was not told to go to the commissioners and tell them; it goes from Martin to the sanitary superintendent, and from there to the commissioners, and if there is anything then to be done, I am called upon.

By Mr. PRENTICE:

Q. It was not an official communication as you thought? A. That was my impression of course.

Q. Did Mr. Martin ever give you any instructions not to inform the commissioners? A. No, sir.

Q. When did you see the commissioners, and how? A. I saw them the next afternoon.

Q. No, no; did you ever see them unless you were sent for? A. I have sir; Mr. Martin would usually send for us.

Q. The umbrella you speak of and the small bribes, did you turn these into the health department? A. I turned those into Martin; Martin told me to write a letter to the gentleman and take a copy of it.

Q. You turned it into the health department? A. I turned it into the health department.

Q. Have you ever failed to report a case of attempted bribery? A. Never, sir.

Q. Have you at any time said to Intemann in any of these interviews, that there was nothing to be afraid of, or asked him why he was afraid and pressed him to hurry up in this matter? A. No, sir.

Q. Have you at any time made any proposition to him that he should give you money? A. No, sir; I never have.

Q. Have you ever named a sum of money to him which he should pay you or might be paid you? A. No, sir; never.

Q. And have you ever said to him in words or substance, that the table in the room in which you were, that there was more money passed over it than you and he ever saw? A. No, sir.

Q. Have you ever said to him in words or in substance that Dr. Osborn would not attend because he had a black eye? A. No, sir.

Monday, and which is adjourned u
preparation of evidence the fact of this attemp
ber had been mentioned? A. Yes, sir.
nd so when you were asked whether it would ev
ou kept your own counsel, would it not have co
A. It would, sir.
d that was the first trial since the last one men
here was trouble? A. Yes, sir.
refore, whether you had determined to keep
ot the fact would necessarily have appeared in
u were tried? A. Yes, sir.

enator McNaughton:

ou recognize that newsdealer sitting back there
as in the bar-room that morning? A. That is a
Reeves.
he in the bar-room? A. If he had been there
e seen him that morning.
e in that bar-room? A. I did not see him; if he
uld have seen him; I suppose you mean at Earl

ator Fassett:

temann ask you where Osborn was at that tim
se? A. Yes.
d him something about his eye? A. I told him
few days before and was laid up generally with a
d and throat, and his eyes were inflamed.
u were at a table at some hotel which might hav
h bribe giving and bribe taking at some
I was at a table

Q. What would induce him to get it for you if you were not to take it? A. It was not said, but it was the impression that we were going to take it.

Q. You threw out an encouragement? A. The insinuation was made.

By Senator McNaughton:

Q. Under the regulations of your department to whom should you report any irregularity? A. To Mr. Martin, my superior officer.

Q. That is an absolute regulation? A. That is an absolute regulation of the department; yes, sir; as far as I have been instructed.

Q. And to whom you have reported all these various occurrences? A. To whom I have reported all these various occurrences.

Q. As soon as you could see him? A. Yes, sir.

Q. Did you report in writing or verbally? A. Verbally.

Q. Did you ever make a written report? A. Yes, sir; I made a written report of the Intemann case and had it signed before a notary.

Q. What part of the Intemann case? A. The first part of it about the attempt in the first start.

Q. Can that be produced? A. I do not know.

Mr. Prentice.—We have had search made for it.

Q. When was it made? A. On the Monday following the inspection, say on the twenty-ninth; probably on the third of February; first Monday in February, anyway.

Q. I wish you would see if you can find it? A. I went yesterday to the notary, he said he had made no note of it, and he would not be positive what it was exactly.

Q. Was it read over to him; did he read it over when he took your affidavit? A. My impression is that he did not.

Q. Who prepared it for you? A. I think I wrote it out myself.

Q. And you kept no copy? A. I kept no copy.

Q. The custom there is to file your own reports, I suppose? A. I presume it is the custom.

Charles G. Wilson, being duly sworn, testified as follows:

By Mr. Boardman:

Q. You are the president of the board of health? A. I am, sir.

Q. How is the board of health organized? A. There are two commissioners, a president and one doctor; the health officer and the president.

Q. Who are the health commissioners to-day? A. Dr. Joseph D. Brant, William M. Smith, Charles McLean and myself.

... He called my attention to the fact that h
ssion that there were some inspectors of milk in o
ere not acting exactly right.
Did he specify what district they were in? A
the names of the inspectors, but he told me tha
trict in the neighborhood of the Ninth street and
Who were the inspectors who operated in that
or Osborn and Inspector Levings.
ose gentlemen who have been on the stand? A.
hat reason did Mr. Voorhis give you for supposi
g wrong up there? A. He said that statements h
y other people; he knew nothing of his own kno
he say who the people were? A. I do not thin
es, but I think he spoke of the Lake Milk Com

is this company referred to by the witnesses?

eferred to the Lake Milk Company at that time

oorhis did? A. Yes, sir.
e refer to anybody else? A. No, sir; I do not
e.

you stated now what Mr. Voorhis said as fully as
tood him to say that some arrangement had be
ney was to be paid to the inspectors; I asked
es of the particular persons that were to pay the
he could not; I then asked him if he would ha
to the health department and make th
would do

Q. No record of it? A. No.

Q. And no associated event by which you could locate it? A. I think not.

Q. But as near as you can fix it, it was the latter part of January or the early part of February? A. I think so.

Q. You sent for Dr. Martin? A. Yes, sir.

Q. He is commissioner? A. He is chief of the particular division under which the milk is inspected.

Q. He is chief chemist? A. Yes, sir.

Q. What did you say to him? A. I called Dr. Martin's attention to the fact that certain statements had been made to be in regard to inspectors in that particular district, and I said they do not develop, however, but I wanted him to keep a sharp lookout for those men.

Q. Did he say he had any information on the subject? A. No, he did not.

Q. Did he say there had been any report made of attempted bribery? A. No; he did not.

Q. When was the first time that you ever heard of this claim that an attempt had been made to bribe these inspectors? A. This case the other day.

Q. When is the first time you ever heard the claim made by Doctors Osborn and Levings that an attempt had been made to bribe? A. Few days.

Q. Dr. Martin told you when you sent for him that he knew all about that? A. Not at that time.

By Senator Fassett:

Q. Has he at any time? A. Yes; we have the papers before us now.

Q. When did they come? A. They were presented to the board officially to-day; I had them in my hands yesterday for the first time.

By Mr. Boardman:

Q. What were the papers that were presented officially to the board to-day? A. A series of affidavits.

Q. You mean the affidavits made by these parties who claim that the inspectors were trying to blackmail them? A. Yes.

Q. Were there not any papers in the department; did not Martin tell you anything about them? A. There were no papers in the department that I knew anything about.

Q. You had an interview with Martin then, as I understand it, in which you spoke of these charges against these particular inspectors, and warned him to look out—

you that any report had been
e inspectors? A. In reference to this matter?
Yes? A. No, sir.
He acted like a man who never heard of the su
onversation? A. He certainly said nothing abou
When was the next interview that you had wit
ubject, or the next knowledge? A. A few days
rsation with Mr. Voorhis, I asked Voorhis in
r, and he said the parties would probably come
ever did.
Can you fix the date of the second talk with Voorh
ly four or five days afterwards; yes; a general c
o you think that was in February? A. Well, ce
four or five days, because I was very anxious
.
ave you heard of the subject from that time to t
at time until a few days ago.
hen did you next hear of it? A. I think prob
, possibly.
m whom did hear of it then? A. When Mr.
see me in my office at the health department; I t
a week ago; he called with another gentleman,
ng along side of Mr. Macomber there now; he
to the fact that a part of his milk had been seiz
tement, and I told him I would investigate the n
to see me again; in the meantime I made
I found that in addition to the first case ag
in January last, that he had been arrested
milk a little

be done to you;" I believe he mentioned one or two concerns, but whether or not a list was furnished to Dr. Martin I could not say, but yesterday, Dr. Martin brought to me this package of affidavits which you had here to-day; I believe they had been presented to him by Mr. Macomber or his lawyer, and the matter came in the usual course before the commissioners to-day at their meeting.

Q. Now, that was all Macomber's statement? A. No.

Q. When Macomber was there he simply presented the thing to you from his standpoint? A. I presume so.

Q. Did he talk about any attempt to levy blackmail upon him? A. Not at that time; no, sir.

Q. Have you had any interview with Martin since the time when you first spoke to him after Voorhis had brought this matter to your attention? A. About these particular inspectors?

Q. About these particular inspectors? A. Nearly every week I make it my business to examine the returns of each one of the inspectors and I make a comparison between the returns of one set of inspectors and another set, and generally in that way as to whether they are doing their duty or not, and two or three weeks ago I called Dr. Martin's attention to the fact that I thought Inspectors Osborn and Levings were not doing as much work as I thought they ought to do, and that was explained; and again a week later, I think, I called his attention to it, and then I noticed that the work seemed to increase.

Q. That was simply as to the amount of work done by them? A. Yes, sir.

Q. Did Martin tell you he was putting up a job on anybody to get money paid to these inspectors? A. Why certainly not, I would not have allowed it.

Q. You would not have permitted any such a thing as that? A. No, sir.

Q. Did he ever tell you that money had been paid to these inspectors, or offered to these inspectors? A. Paid these particular inspectors?

Q. Yes. A. No; I think there was some remark about an umbrella, however.

Q. I am referring to money? A. No, sir.

Q. Did he ever tell you that $300 had been offered? A. No, sir.

Q. Did he ever tell you that he had advised these men to neither encourage or discourage the person who had offered the money but to work along with it and get a case upon which an indictment could be found for bribery? A. Certainly not.

Q. Did he have any authority at all to represent the department in any

...pectors, that he gave them i... ...ect, with the duties he was required to perform?

...nator FASSETT.—I do not suppose Dr. Wilson can ...ments.

What were his duties? A. Dr. Martin has charge of ... covers fruit products; he has charge of the in... ...ter-houses, the inspection of milk, and the inspe... ...of food in the city; the making of chemical analysi... ...tion of fish, fruit and vegetables.

...ou have heard the testimony of Dr. Levings, did you ...on the stand? A. I did, sir.

...bout his having received instructions from Martin, ...her encouraging or discouraging, and going from on... ...to meet this man, and talking about $300; you hea... ...yes, sir.

...you ever hear of that before to-day? A. I did n... ...ay.

...read it in the affidavits and heard it here to-day? ...esterday.

...in never said a word to you of that kind? A. Ab... ...hese inspectors?

A. Certainly not.

...ou never gave him any instructions? A. No.

...as you know, no member of the board knows any ...did you know of its coming before them? A. It di... ...r have missed a meeting.

...was brought to the attention of the board? A. No, ...commissioners' attention.

MARTIN, called ...

ings? A. It was along on the eleventh or twelfth of January, sir; Osborn and Levings came to me and said that the night before, or the day before that, a party belonging to the Lake Milk Company, one of the drivers named Intemann, had suggested that he pay them some money, two or three hundred dollars, for to keep away from the store; but they suggested that he was a little intoxicated at the time, and perhaps did not know what he was talking about; I said: "Anyway, you had better make an affidavit to that effect, and file it with me; I do not suppose it does amount to anything, anyway;" so, the affidavit was filed, and I—

Q. Where is the affidavit? A. It was in my office; I have been looking for it all day, and will probably find it; I recollect the affidavit, though; it was signed by a notary named Jackson, I think.

Senator McNaughton.—You had better get it.

Q. What did you say? A. I couldn't—

Q. Did you tell them not to encourage or discourage him? A. No.

Q. What did you say? A. I told them in these cases where they were offered money they had to exercise a great deal of caution; that they must be careful and keep away from these people, they mustn't go with them to places, because if they did, they would run the risk of being bribed by having it offered to them; it was a very unpleasant position to be in, to have people come to see them and offer them money; then probably the best thing would be to count it in the place of some responsible party, or in the presence of some responsible party, and have it forwarded to the board or the secretary.

Q. Is that all you told them? A. Yes, sir.

Q. On that occasion? A. That was the substance of it.

Q. Did they report to you afterwards that they were meeting this man around at saloons? A. They did not.

Q. Did you hear anything about the Golden Swan or Earle's Hotel, or the Sinclair House? A. I heard about the Sinclair House about the third of February.

Q. Is that the second time you heard about it? A. The second time I heard about it.

Q. That is the second time that you had any talk with them at all about it? A. Yes; they told me about their experience with Mr. Intemann, about going around with him, and I disapproved of that way of doing it; I told them at the time that they might get themselves in a hole by doing such a thing as that.

Q. Did you say anything about getting you in a hole too? A. I told them I was responsible for their action.

Q. Didn't you say something about getting them and you both in a hole? A. No, sir; I don't remember that.

...ings, and the doctor very promptly b...
...the umbrella was sent back to him.
...e umbrella is cutting quite a figure; I don't care
...n.

RENTICE.—I thought the witness was to be allowe
...tement.
...u did not make any report about this to your superi
...r; I did not.
... you ever speak to the president about it? A. No,
... you know as much about as you do now, the da
... interview with you that he has described on th
...; I only learned about it on Saturday, when I g

...t was the date; can you fix the date when the pres
...came to you and told you that he had heard rumor
...nduct or standing of these inspectors; what was th
...s some time in March.
...was after you knew this whole story, wasn't it? A.
...ou knew all about that—the fact that Intemann
...d, made this attempt to bribe them; you knew all

...u mention that to the president? A. No, sir; I di
...dn't you? A. I have been trying to think why I di
...e matter is that we have had a number of cases o
...here has been an offer of money or an attempted br
... the matter has not been considered of sufficient im
...an official report; I suppose it would have been b
...l the president, but the president had other
...lk about with

Mr. PRENTICE.— Fifty dollars was sent in in an envelope.

Mr. BOARDMAN.— And you kept them away?

Mr. PRENTICE.— We have sent them to the district attorney.

The WITNESS.— I received it with a piece of brown paper around it, and that has happened once or twice; I did not mean to say that it was not a matter of much importance.

Q. Let me ask you, Dr. Martin; did these young gentlemen state this case as fully to you as they have stated it here to-day? A. No, sir; they did not, sir.

Q. And is it true that you advised them to lead this man on and see how far he would go, so as to make a complete case? A. No, sir.

Q. You did not advise them to enter into a conspiracy against this man? A. No, sir; what I told them — they probably have misunderstood my directions in the matter; what I told them — they must be exceedingly cautious; but if these people come to their house to try and have it in the presence of a witness, count it and deposit it with the secretary.

Q. Only under those circumstances? A. Yes; I said: "They might be laying traps for you; it is dangerous and isn't the way of doing business, anyway."

Q. That conversation you had the day before you had this talk with Dr. Wilson? A. Yes, sir.

By Mr. BOARDMAN:

Q. You said it wasn't the way of doing business to go around to these saloons? A. I have cautioned the inspectors; yes, sir; that when they perform their official duties it must be official and not social; you can not mix the two together.

Q. Now, they misunderstood you, didn't they? A. I suppose they must have, sir.

Q. And the president of the board misunderstood you? A. In what way, sir?

Q. When he had his talk with you about this very matter, you did not tell him anything about it? A. I don't think there was any misunderstanding.

Q. You didn't give him any information? A. No, sir.

Senator FASSETT.— There was an entire absence of understanding.

Q. When did you tell the president of the board, if ever, that you had prior knowledge of these facts before the affidavits were filed? A. I think it was — I do not recollect, sir, whether it was Friday or Saturday.

I want you to answer my question; when w
at what hour yesterday did you tell the president of
nent that you had prior knowledge? A. Well, I th
en about 9 o'clock, sir.
efore or after the affidavits were filed? A. The affi
turday, sir.
e affidavits were filed Saturday about 9 o'cl
sir.
ENTICE.—Filed away; there is a confusion; they we
.
TNESS.—Yes, sir; they were left in the office.
NTICE.—It takes a long while before they get on th
asn't until after these papers were brought to the
esident that you spoke to him at all about th
that you had? A. I do not think it was.
ou have a conference with these two doctors bef
the president about it? A. The affidavits we
nd I sent for the doctors at once and told them th
l been sent in against them.
u talk with them privately? A. They came to my
hree talked together? A. Yes, sir; I read the aff
; I said: "Gentlemen, these things have been ch
wasn't anything in the affidavits against you? A
rged them with trying to get a bribe.
SSETT.—The shoe was on the other foot.
t the shoe on the other foot; but you knew all the
nces, didn't you? A. No, sir.
need any explan

against these gentlemen? A. Not until the matter had been investigated.

Q. You knew a report had been made to you as to what they claimed? A. Yes; and this was the opposite of the report, and substantiated by affidavits.

Q. But you knew that you had told them if the bribe was offered to take it and make a case, etc.; you knew that? A. Not in those words; no, sir; I object to that most decidedly.

Q. Did you think when you sent for these men to come up and have this interview with you, with these affidavits before you, that there was anything about those affidavits that they had to explain to you? A. I do not understand exactly what you mean, sir; I sent for them as I do where there is any complaint made against any of the inspectors, and read the complaint over to them and ask them what they have to say in the matter.

Q. Was there anything about those affidavits which you considered needed explanation from them to you?

Mr. PRENTICE.—He has answered that three times.

The WITNESS.—Certainly, sir; I have.

Q. What was it? A. Why, that the affidavits charged that instead of their—

By Senator FASSETT:

Q. Charged extortion instead of attempted bribery? A. That is it, exactly; charged extortion instead of attempted bribery.

By Mr. BOARDMAN:

Q. Is that it? A. And these places where they went.

Q. Now, doctor, did you talk over with them what you were going to say to the president of the board about it? A. Not at all, sir; I simply told them about it.

Q. Did they tell you that you had known about it from the beginning and that they had told you what they said on the stand? A. No.

Q. You have heard their statement about what they told you? A. Yes.

Q. Did they tell you when you summoned them up on the affidavits the same story that they do now about the advice you had given them? A. No.

Q. What did they say then about the advice you had given them? A. I questioned them about the matter, and the facts of the matter came out; I asked them if they had gone to these saloons and they

? A. No.

Then you heard that statement from their lips th
hey went on the stand to-day? A. A good deal of
good deal of it? A. That is, so far as to goin
and places.

id they say to you: "Now, Martin, or doctor," wh
—what do they call you? A. They call me Mr. M
Now, Mr. Martin, won't you go to the president of
to the president of the board that you knew about
you knew all about it, and protect us in that reg

they say anything of that kind to you? A. No, si
they ask you to speak to the president of the bo

spoke to the president of the board of your own
ly; whenever that condition of things happens, s
preferring charges against the inspectors, I wa
atter investigated.

then, what did you say to the president of the boa
what you said? A. I saw him Monday, and I said
those are the affidavits of Macomber which he s
and the president read them over and question

lid he say? A. I don't recall what he said to me

ask you whether you knew anything about it

d he say? A. And he asked

By Senator Fassett:

Q. It was a short conversation? A. Yes, sir.

Q. Mr. Martin, what are your duties; in the first place, what is your official description? A. I am a chemist by profession and I have charge of the inspection of adulterated foods and offensive trades.

Mr. Prentice.—Chief inspector.

Q. What is your title? A. I am chief chemist of the board, and I have charge of the milk inspection, meat inspection and fruit inspection.

Q. All sorts of adulterated foods and offensive trades? A. Yes, sir; and offensive trades, which includes gas-houses.

Q. Where is your office? At 301 Mott street.

Q. What are the limits of your jurisdiction—the whole city? A. The whole city.

Q. How many subordinates have you? A. There are nineteen of them.

Q. What are they—how divided? A. We have seven milk inspectors; we have three meat inspectors now; we are short one; and inspector of offensive trades; one fish inspector and two fruit inspectors, and then—

Q. That is fifteen? A. Then there is a sanitary officer, who is detailed; then we are short one meat inspector.

Q. These officers all report to you? A. Yes, sir.

Q. How do they report to you? A. They all report Monday morning 9 o'clock, unless they are sent for otherwise, except the inspectors of offensive trades, who report every morning, and the sanitary inspector, who reports every morning.

Q. The inspector of offensive trades is required to report every morning? A. Yes, sir.

Q. And the sanitary inspector is required to report every morning? A. Yes, sir.

Q. And the others are required to report every Monday morning? A. Yes, sir.

Q. And then you can send for them at any time? A. Yes, sir.

Q. And they may be reported at any time? A. Yes, sir.

Q. In what way do they report? A. Do you mean of their work?

Q. Yes; how do they make a report; do they come in and give you an oral report? A. No, sir; they each have an itemized written report of what they have done on the job.

Q. In what shape is that; is that in a book? A. It is drawn up on a blank, sir; it is a blank form; form for a milk inspector; form for a fish inspector, and so on.

g their reports in on Monday, and on Monday w
kly report, which I send to the sanitary superintend
Who is the sanitary superintendent? A. Dr. Ewi
And is he a member — he isn't a member of the bo
le is sanitary superintendent.
And his office is the board of health? A. His d
sir.
You report to him every week? A. Yes, sir; eve
ed report of what all the inspectors do; the mi
n itemized report of every store they go in, and w
And whether they take samples or not? A. Yes.
very official act is a matter of record then? A. Ye
ow, doctor, how does it happen that you can not la
affidavit? A. I do not know; it is most unfortuna
ut the affidavit and when it was made, and the g
but I can not find it; I hope to find it; I am looking
you report, in addition to handing over to the secr
l written reports of your subordinates — do you, y
r, make a written report to anybody? A. My repor
of what the inspectors do and what I do myself.
h or without comment? A. Yes, sir.
you make comments on your inspectors' reports?
s, sir.
do you account for the fact that you did not make
of this report to you at the time by Drs. Osl
A. Well, this matter isn't important, and has
rtance; at the time it was reported to me, it wasn't
is way; it was a mere

convey? A. No, sir; I am sorry if they got that impression; I certainly did not intend to convey it.

Q. Then the reason this did not appear in any written report wasn't because it was so important, but because you did not regard it so at the time? A. I did not regard it so at the time.

Q. Ordinarily, any important event would be noted in your written report to your superior? A. Yes, sir.

By Mr. PRENTICE:

Q. Not only that, but you make verbal reports almost every day in the year? A. Yes, sir.

Q. And then you make special reports, usually? A. [Not answered.]

By Senator FASSETT:

Q. Do you omit from your written reports anything of sufficient importance to report at all? A. Well, no; it shouldn't be done.

Q. It shouldn't be done; is it done? A. No; I do not think it is.

Q. In other words, your oral reports are extensions or explanations or amplifications of your written reports? A. There may be cases that come up, as for instance, that umbrella; I did not make any official report to the board; I went to the sanitary inspector and made a statement to him, and I probably could have done — the sanitary superintendent might have been out at the time.

Q. Have you had any difficulty in the administration of your affairs in your particular department, arising from the bribery of your subordinates? A. No, sir.

Q. If it exists, it hasn't been brought to your notice, to the embarrassment of the work of your department? A. No, sir; it has not; of course, the inspectors come in at times and say so and so wants to give me a box of cigars.

Q. With the exception of this fifty dollars Col. Prentice alluded to, and this $300, most of the cases have been petty ones — ten cents, a cigar or umbrella? A. Yes, sir; in a great measure; as I say, of course, this case was not presented to me, Senator, in the way it is now; otherwise I would make an official report of it.

By Mr. PRENTICE:

Q. I would like to know why you didn't report the Macomber case; were you away when he came before the board? A. I was up-town.

Q. Why didn't you report it? A. I did; the next day.

Q. Did you regard them as complete at the time, or did you suppose it would be better to wait until it was further developed? A. I did not know at the time.

they said they had gone to the Sinclair Ho
d that they had not handed over the money, and
s very wrong; if they came to the house and gav
would be a very difficult matter to explain; the
t of intentions, get themselves into trouble.
. Then in no report that they made subsequent
de in writing to any Intemann matter or any M
No, sir.

And you are quite certain in no report they ma
Macomber had offered it? A. No, sir.

By Mr. PRENTICE:

Didn't they report in three days? A. I think
afterwards; I think it was the following Monday;
day and they did not report until Monday.
The next time you saw them? A. The next time
Did they report Macomber's attempt? A. Yes, si

Senator FASSETT:

oth times, the fifty dollars and five dollars? A.

Senator MCNAUGHTON:

ot in writing? A. No, sir.
rbally? A. Yes, sir.
d you never reported that to your superior? A.
whom do you direct your reports in writing? A
itary superintendent? A. Yes, sir.
ned to Wednesday, May 21, 1890, at 11 A. M.

Q. What is your business? A. Special inspector of board of excise.

Q. How long have you been in the board of excise? A. Since October 3, 1886.

Q. Who appointed you? A. Ex-Commissioner Charles H. Wooden.

Q. What position were you appointed to at that time? A. Special inspector.

Q. What other offices have you held in the excise department? A. On May 1, 1887, I was promoted to the position of assistant secretary; on September 1, 1888, I was promoted to the position of secretary; on May 15, 1889, I was transferred to the position of special inspector.

Q. And now you are still special inspector? A. Special inspector.

Q. How long were you secretary of the board? A. From September 1, 1888, until May 15, 1889.

Q. About six months? A. About eight months.

Q. As secretary of the board you were the chief executive officer of the board, under the rules and regulations of the board? A. I was.

Mr. Ivins.—The rules of the board are to the effect that the secretary shall be the executive officer.

Q. Who was your predecessor as secretary? A. David S. White.

Q. Who was your successor as secretary? A. James F. Bishop.

Q. He is the present secretary? A. He is the present secretary.

Q. Do you know where David S. White is? A. I do not.

Q. When did you last hear of Mr. White? A. I haven't heard of Mr. White in about fourteen months.

Mr. Ivins.—I would say that I have been trying to find Mr. White's whereabouts for the purpose of subpœnaing him as a witness, for I desire to call the present incumbent and his two predecessors in order to prove the present system, but I have been unable to find Mr. White.

Q. Will you now describe to the committee, from your knowledge as chief executive officer of the board, the general system of conducting business in the board by the board itself, so far as the board are concerned; then I will ask you about the subordinates later? A. By that question do you mean after the papers, the applications for licenses, are brought before the commissioners; do you mean the action that is taken on them, or after action is taken, what becomes of the application?

Q. Let me ask you the question then; the commission acts as a board; does it? A. As a board.

Q. And the duties of the board are performed by the commission acting as a board, and by a majority vote? A. Yes, sir.

Q. And that rule is applicable to all cases whatever? A. All cases, and to all business.

It is.

Q. And any two commissioners act as a board? A

Q. And when there are but two commissioners pr
ard, they both have to unite in order to conclud
They do.

Does the secretary of the board sit with the comm
not.

When it sits as a board? A. No, sir.

Who keeps the minutes of the board? A. The se

Who sits with the board so as to keep the min
is actually in session, or makes the preliminary n
inutes? A. Well, it is not a private session and th
ant secretary or some of the inspectors act usu
the result of the action to the secretary when he i
Under the law is it not the fact — and for the com
at I will summarize it so as to make it very
— that generally speaking, the duties of the exc
of New York are confined to the granting and re
lasses of licenses? A. To the best of my knowle
d that all of the business which they perform
the granting of a license or to the revocation of
ir; to the best of my knowledge it is.

the entire department is organized as inciden
the part of the commissioners? A. Yes, sir.

I will ask you to describe to the committee the
department and the operations of that organi
the granting of an excise license; but
at you may use it. I

fee for which is $200; the license to sell liquors, ales, beer and wine, the license fee being $200; the license to sell ale and beer only, the license fee being thirty dollars; license to sell ale, beer and wine only, the license fee fifty dollars; restaurant licenses, $100; steamboat licenses, which are known as Class 4, in which there are three grades—"A," "B," "C" and "D," the fees of which are respectively $250, $150, $100 and fifty dollars. Now, for the information of the committee, I will read the statistical statement, which is very short, and which accompanies this report, or summarizes it. [Mr. Ivins read statement referred to.]

Senator Fassett.—Is there anything there about temporary licenses for picnics, festivals, excursions, etc.?

Mr. Ivins.—No. That we will come to later.

Q. Now, Mr. Gale, we will take the case of any one license, but by preference the license to sell liquors, ale, wine and beer, because that constitutes more than one-half of all the licenses granted, and give the committee now the history, in its chronological order, of the license from the time of the application to the time that the license is granted, and after the granting of the license, in case there be a revocation, until the time of the revocation, and if there be a revocation, and thereafter a new license granted to a different party for the same place, then the history of the new license? A. I think, to do that, I will have to take an application, to refresh my memory.

Q. Take anything that you please that will help you? A. Another point, the forms of blanks used are different, in regard to a new place or renewal; do I understand you to ask for the form of the ordinary renewal of license?

Q. Take the form in the first application, for a new application. A. For a new place?

Q. For a new place; the application for a new place? A. The applicant appears at the board with two bondsmen; he goes to the application room; the name of the applicant and his two bondsmen are written on a slip of paper handed him by an inspector detailed there; then it is passed to one of the application clerks, of which there are three, and the questions which are found on the rear page of the application, of that blank, are asked by the application clerk and answered by the applicant; when those are filled out, the names of the two bondsmen are taken, and in connection with the licensee they are sworn together; then the first bondsman is asked as to the property he owns and giving the place where that property is situated; that statement is also signed by the bondsman, and the second bondsman is asked the same questions, and they are signed and sworn

hich is also numbered consecutively from one; the
ficially by the secretary's stamp as received by t
y; then they are examined by a special inspector
rk, as to the applicant, as to any charges which
ainst him.

By Senator FASSETT:

Who is examined? A. The name of the applic
amined first, as to any reports which may have b
d of police.

By Mr. IVINS:

Examined by whom? A. By a special inspector.

y Senator FASSETT:

How is that examination carried on? A. By the
ve here which contain, first, clippings from all th
contain matter relating to any licensed place; s
which we get from the board of police relatin
ble character of the place or applicant.

VINS.—This seems—I will say to the committe
tic way of making the newspapers a public ser
n; I think the witness will show that it is
ers, and not by the inspectors of the departme
s.

ITNESS.—We have four or five of these books, a
e May, 1886, and contain clippings of
place in the city.

t should happen in case the special inspector took an inter-
rd to a particular place, and did not cut out clippings in
it? A. Well, it would not appear on the record.
the record would be incomplete to that extent? A. The
uld be incomplete to that extent.
the department would have to fall back upon its own
without newspaper aid? A. Yes, sir.
go on? A. After the inspector has put his check on the
ch would appear in this case as "D," stating that the name
y is clear, the place is examined, on our record book, which
record of each licensed place in the city, showing any com-
ich may have been made during the time the place has been
ince May 1, 1886.

nator Fassett:

ou confine your examination to the records of the depart-
No, sir.
you send the inspector to the territory? A. We will get
is is all preliminary to that.
.—There is a system of bookkeeping there, based on these
d inspections, whereby there is a sort of a judgment day
ach place in the city, and that can be explained to you by
s also.
, there is an alphabetical list of the licensees, and, second,
list of every place in the city—which are these two

r. Ivins:

ne interrupt you there; the geographical division of the
purposes of the excise board, is identical with that of the
rd; in other words, by precincts? A. Yes, sir; with the
of the third, which is the city hall and the Broadway squad,
enty-fourth, the steamboats.
ever there is a geographical precinct in the police board,
o a precinct for excise purposes? A. Yes, sir; after the
n is made as to place and name, and assuming that no
found at all, the application is again checked; from there
the precinct books, of which we have one for each police
the city; this book shows a complete list of the licensees
been licensed at a place for three years; it was found
ble to keep them larger than that, to keep the records for
three years, and this is one of the books—of the Four-
cinct; in that case an application number is entered under

This precinct book shows the street number of th
ame of the applicant? A. The licensee.
He is the applicant? A. Not in every case.
Well, the name of the licensee? A. The name
Then the number of the license, then the class
e grade of the license and the date of the expirat
Then the number of the application, then the b
ks? A. Yes, sir.

Mr. IVINS:

ow, just state the class of remarks put in the bl
through this book I fail to find any remarks? A.
ame the place?
st name the place? A. Two hundred and twe
treet between Avenues "A" and "B," licensed to Wi
May 4, 1890; remarks: "Canceled March 14, 1
be taken out; see above"—which refers me to
find William Weber has a Class 6 license in tha
able to hold two licenses, one of them had to be s
led.
n the department gets to this point, then the
e handed to the inspector for his personal examin
es to the chief inspector, or, first, before that,
ecial inspector.
has a complete record, a record book of every licen
May 1, 1886, showing where he has been license
transferred, whether he has had a license revoke
e been made against him, what applic
aces? A. The

report in forty-eight hours, and his report is filled in as the printed reports require — the blanks are filled in.

Q. Now let me have that printed report. [Witness produces paper.]

Mr. Ivins.— I will read one of these to the committee. It is the inspector's report and is the printed form and filled in here and there. [Mr. Ivins here read the report referred to.]

Q. Where does that diagram appear? A. On the back of the report.

Mr. Ivins.— That diagram shows the places, for instance, in that case there was an adjoining place, one within a few feet of it on the same side of the street, one immediately opposite, one on the opposite corner, one on the corner of the next street.

Q. That is the form in which all of these inspections come in? A. That is the form in which all of these inspections come in in all places.

Q. Now, do I understand, Mr. Gale, that before the inspector goes out to make his inspection, and consequently before his return and the filing in of this, he has in the department a set or system of books which actually do or presume to give the antecedents and history of every place that has heretofore had a license? A. Yes, sir.

Q. And that is finally summarized in this series of books which you call what? A. That is the precinct book; but there is no summarization; there is so much information it is impossible to get it in one set of books.

Q. Now, let us see what the set of books is; first is your scrap book, which is the newspaper part of it? A. Yes, sir.

Q. Second is the precinct book? A. The record book, I would say; here is the record book of places.

Q. The record book is first after the scrap book? A. After the scrap book.

Q. What are those other books? A. Record of names, simply.

Q. Then comes the precinct book? A. Then comes a list of all licensees, whether good, bad or indifferent.

Q. A general list? A. That is a complete list.

Q. But it is simply a list of the licensees? A. But it is simply a list of the licensees.

Q. And that is kept by entering the name of the licensees? A. As fast as they are issued; alphabetically, and by a vowel list.

Q. And there is one book here for each letter of the alphabet in that series? A. Very well.

Q. Then comes your precinct books? A. Then comes our precinct books.

Q. And each precinct has its own book? A. Yes, sir.

lication, followed by the next licensee, Michael
rarely, do I understand, that this book is used fo
arks to show what has occurred? A. That only
of a revocation; the revocation, protest and comp
would be entered; it would be impossible to write
act book; that is simply a clew; we get an inqui
e; that is the quickest way to get at it; you will f
book; that is a sort of an index to this book.
That system of books is supplemented further
s it not? A. By a map.
IVINS.— I will show that map to the committee,
ay see that part of the work. This is one book —
u are going to identify that book, Mr. Gale. It
WITNESS.— Yes, sir. There is a later book here n
ave you a later book? A. Record book "C" or "
t us have the last record book, please. [Witn

INS.— Now, this record book contains an account,
ace 15 Christie street, page 38, which recites th
nth precinct; that George Schuster's license exp
January, 1888. It was revoked by the board on
1888, for violation of No. 3 license. Then follows
s the resort of thieves, prostitutes, and disorder
-book, page 156–A, inside cover]; Schuster hims
k, page 213–A, inside cover]; since relicensed

FASSETT.— What does the "inside cover" mean?
— I will get at that

kept in this book where the license had been revoked, and where the place has a bad character? A. Yes, sir.

Q. And sufficiently indicative for the purposes of this committee for the present? A. Yes, sir.

Mr. Ivins.— Now, this list on the front page of the book is headed: "Prominent or Notorious places," and includes the Alhambra, Black-and-Tan, Bijou café, Clark's restaurant, Café Riche, Cremorne garden, Emerick's assemby rooms, the Gridiron, Tom Gould's, Harry Hill's, Richard Hill's (Harry's son), Haymarket, Prospect garden, Palm garden, French madam's, Silver Grill, Sans Souci.

Q. What is the purpose of that list? A. As an aid to Inspector Hoyle in examining and checking any paper which comes before him from any of those places.

Mr. Ivins.— We might run over this list for a minute and see whether this is a back number or not.

By Senator Fassett:

Q. What year was that book for? A. Eighteen hundred and eighty-eight, I think; it is a back number.

By Mr. Ivins:

Q. This has got the records of 1888 in it? A. Yes, sir.

Mr. Fassett.— We can probably find something more recent. Do you expect to push your investigations as far back as that?

Mr. Ivins.— No. But I want to find out, and I will ask the witness if he can tell from his recollection whether there are any licenses outstanding to any of these places. We want to know how notorious and prominent this is. Now, take the Alhambra.

The Witness.— Not licensed.

Q. Black-and-Tan? A. Not licensed.

Q. There is an application pending for the Black-and-Tan, at present, is there not? A. I think so.

Q. Do you know Andy Kelly? A. I do not.

Q. Do you know of him? A. I have heard of him.

Q. Do you know of any of Kelly's places? A. I have an idea where they are located.

Q. They are located in the neighborhood of the Black-and-Tan, are they not? A. In the eighth precinct.

Q. The eighth precinct? A. The eighth and fifteenth.

Q. Have you, in the department, ever heard of any controversy between the owner and Andy Kelly, as to which of their places should be respectively licensed first? A. Only in a general way.

shown in the book?

By Senator FASSETT:

Is the same form of application made in referen
uld "504 Sixth avenue, Clark's restaurant, ninet
se expires November 19, 1888; application by L
ed October 13, 1887; scrap-book C 1."

y Mr. IVINS:

That is the newspaper book? A. Yes, sir; "appl
d November 14, 1888; apparently a resort for bu
; scrap-book A 69, column 3, top;" that I have he
ow go on? A. This article is "Robbed in an Opiu
e *Press*, December 17, 1888. [Witness reads article
record book "D," I understand — which will b
— is kept a record of all that has ever occurred
ce? A. Only as far as what occurred later; these
gical order; the record books, as fast as "A" w
taken and after that "C" and so on.
, the owner of Clark's restaurant would make his
ual form, the license running to the name of the i
r.
in order that we may connect this with our hi
us go back again; what is the theory of the boa
s you as secretary understand the law, that p
that individuals are licensed? A. Both.
FASSETT.— Did you get through with that list?
— I am coming down to that immediately.
places are licensed and individuals licensed?
nse, however, issu

Q. But without paying for a new license? A. Without paying a fee.

Q. Now, in the same place, however, if liquors are licensed to be sold in the same place in which there is now a license but a new licensee wishes to sell those liquors, in that case a new application has to be made? A. Yes, sir.

Q. And in that case the usual form has to be gone through by the applicant? A. Yes, sir.

Q. And a new fee paid? A. Yes, sir.

Q. So that what is known as a transfer, technically, in the excise board, is an application for a license with no new fee, the person holding a license to sell liquors in another place? A. Yes, sir.

Q. Now, it is customary in the board, is it not, or a very frequent occurrence in the board, that where a license for selling liquors in any given place — for instance, we will say Clark's restaurant, which we have just been discussing, has been revoked; that an application will be made by some other party for a license to sell in the same place? A. Do you mean what would be the course taken?

Q. No; let us take Clark's restaurant; suppose that the person who is licensed to sell in what is known as Clark's restaurant were guilty of violation of the laws, or kept an indecent or immoral place, and his license had been revoked, either by the board or as incident to conviction, which of itself works the revocation; it is customary in such cases for some new person to make an application for a license in the identical place? A. Yes, sir.

Q. And now the records of the department will show under the account which is kept with Clark's restaurant, who the several licensees of the place have been right along, historically, will they not? A. Yes, sir.

Q. That same record will show what the character of the place is, will it not? A. It will.

Q. Now, suppose, as in the case of Clark's restaurant, there were spread on the records of the board this report which has just been read as having been taken from the *Press*, accompanied by the general statement that the place was a disreputable and a notorious place, as it appears from this list to be classified with the prominent and notorious places; I want you to now state, as incident to the history of a license, what is done by the board, prior to granting the license, with the records which it itself has, as bearing upon the propriety of licensing an individual to sell in that particular place, be the individual who he may? A. The regular report is made and in case any protests or complaints are made, the parties are notified to appear before the board at a certain time that the hearing is to be held, to

you.

Have you ever attended a meeting of the board?

Have you ever heard any discussion in any meeting the character of the place? A. Of this place?

Of any place? A. A great many.

Does the board have before it at the time it discuss of the place, its own set of records or an abstract fr s? A. Everything is put on the application; ever scrap book or any matter — everything the board ion is placed on the application.

Senator Fassett:

at is, a reference to it? A. Yes, sir.

Mr. Ivins:

t the custom of the board, when those references a n and the application is up, to go back and check s and see what they are? A. As a general rule it is y do that in their meetings? A. Yes, sir.

is that done; by sending for the secretary? A. By retary or the special inspector detailed to have ch s, and the extracts, whatever they are, are read to th the extracts are read to the board? A. Yes, sir.

at when, for instance, the board licensed Clark's rest re it for discussion everything that appeared on these ration? A. Yes, sir.

uently happens that protests are made against licen it not? A. Yes, sir.

e those protests made? A. In

tion; the protests sometimes cover a whole block; in the case of the Paulist Fathers the protest covered the entire territory from Sixty-fourth to Fifty-fifth street, from Seventh avenue to North river; Father Taylor's, from Fifty-fifth to Seventy-ninth street and from the Park to the North river; other protests are simply local, against one place.

Q. Will you please make a memorandum to produce these general protests? A. These are general protests.

Q. Produce the general protests on file, such as Father Taylor's, and all other general protests covering specific territory.

Senator Fassett.— By "general protests" you mean protests applying to more than one particular papers?

Mr. Ivins.— Let me take, for instance the protest of Father Taylor.

The Witness.— Those protests are on file. They are in use every day. There are now at least 150 applications for new places before the board, and the protests which I have charge of run back to 1886; they are filed away in probably 10,000 different papers.

Q. I understand you to say that the protests are general; for instance, that Father Taylor's protests covered a certain locality? A. Yes, sir.

Q. Then there is only one protest there? A. One protest in that case.

Q. Now, describe generally the character of that particular protest. A. Father Taylor's protest, as I recollect it, simply requests the board of excise not to increase the number of licenses within his parish and gives the limit of his parish.

Q. Then that protest can be produced? A. Yes, sir.

Q. Are there any others? A. The Paulist Fathers, protests by clergymen of the Thirty-third precinct, Twenty-third.

Q. Those are the protests I would like to have; now, those protests are also before the board in connection with all of these other documents? A. They are part of the records of the office.

Q. Now, does the board give hearings? A. It does.

Q. Openly? A. Openly.

Q. In which these matters are all before them? A. Yes, sir.

Q. Protestants or complainants are then heard? A. Yes, sir.

Q. So that if the board grants a license, for instance, to any individual to carry on Clark's restaurant, it would have all this matter, and the protests, and possibly a hearing on the subject? A. Yes, sir.

Q. Now, is there any ground on which, in a case like Clark's restaurant, the board can claim ignorance of the antecedent history of the place? A. I do not see any.

license? A. Yes, sir.
Now, will not the records of the department show
hese so-called prominent and notorious places, and
ages of individuals, for a long period of time th
ninence of the place is just as bad as it ever ha
ld not say in a great many places.
There are a number of such places, are they not?
mber of them.
There may be how many of them; twenty-five? A
Fifty? A. I would not say; it depends altogether
oriety they attain.
In twenty-five of such places, for instance, which be
ous, the places continue to go on as places which h
sale of liquor, although in different names, quite
, don't they? A. Apparently so.
he records of the board will show that? A. Yes, s
ow, we will go on with this list — Café Riche? A. N
hat was an annex to the French Madam's? A. S
ed by her — 40 West Twenty-ninth street.
emorne Garden? A. Torn down, or used for other
nerick's Assembly rooms? A. I don't know.
u don't know whether that is licensed or not?

r Fassett.— Will Mr. Bishop make a memorandum
ther Emerick's place is licensed?
Gridiron? A. I don't know.
are is it located? A. I don't know that.
you find the location of the Gridiron by referen
Not without I know

Q. Richard Hill, Harry's son? A. Unlicensed.

Q. Where is that? A. Just this side of the bridge in Third avenue.

Q. In the twelfth precinct? A. In the twenty-ninth precinct.

Q. That is the new twenty-ninth? A. That is the new twenty-ninth.

Q. The Haymarket? A. Unlicensed.

Q. Prospect Garden? A. Unlicensed.

Q. Where is that? A. Fourteenth street, east of Fourth avenue, between Third and Fourth avenues, south side.

Q. Palm Garden? A. Unlicensed.

Q. Where is that? A. Fourteenth street, just west of Third avenue.

Q. The French Madam's? A. Unlicensed.

Q. Where is that? A. Café Riche, 40 West Twenty-ninth street.

Q. Has she another place than the Café Riche? A. Not that I know of.

Q. The Silver Grill? A. Now licensed, as a restaurant, I think.

Q. And a restaurant license entitles it to sell what? A. To sell at tables only; not to be drunk without food.

Q. Have you ever been in it? A. Not within seven or eight years.

Q. The San Souci; Tom Gould's? A. Not licensed.

Q. Then we only find licensed, so far as you know certainly of this list, Clark's restaurant? A. Clark's restaurant.

Q. You are uncertain as to Emerick's and the Gridiron? A. Yes, sir.

Q. The Prospect Garden and Palm Garden you are uncertain about? A. The Palm Garden is not licensed.

Q. And the Prospect Garden? A. Not licensed.

Q. Then none of these places are licensed except Clark's restaurant, and possibly— A. Let me say that in the Prospect Garden there is a license in the basement of the place; the upper part is used as a museum.

Q. And the upper part as a museum has or ought to have a license from the mayor, ought it not? A. I can not tell you about that.

Q. Has your experience as secretary of the excise board ever resulted in your becoming familiar with the laws relative to the sale of liquor in places licensed by the mayor for amusements or concerts? A. To a certain extent.

Q. To such an extent as to lead you to know what classes of places require licenses? A. Well, the statutes show that; I have a general idea of my own.

Q. To such an extent as to lead you to know in what class of places licensed by the mayor the sale of liquors or wine is not permissible under the statute? A. Oh, places where there is any entertainment given upon the stage; entertainments given in costume.

two go together? A. Yes, sir; this is filed i
aking on the premises.
Exhibit 2 is accompanied by the landlord's consen
And the agent's affidavit, which is marked Exhib
Exhibit 3 has to accompany each application of
se? A. Yes sir; but it is only required in a case w
owed on the premises — 3, 5 and 6.
Exhibit 2 is the saloon license; the application fo
es, wines and beers; is this first? [Counsel prese
ss.] A. Yes.
This is marked Exhibit 4? A. Yes, sir.
Ale and beer; is this for a new place? A. Yes, sir.
The application is marked 5; this is an application
's license, class 4? A. Yes, sir.
Which is accompanied by the storekeeper's affidavit?
Which are marked Exhibits 6 and 7; this is the appl
use for a boat? [Presenting paper to witness.]
at is marked Exhibit 8; this is the application for a
A. Yes, sir.
ich is marked 9; this is an application for a lic
A. Yes, sir; one or two.
her first or second class? A. Yes, sir.
ns.—And that is marked 10; Exhibits 11, 12, 13,
re applications for renewals, respectively, of ale
orekeeper, restaurant, ale, beer and wine, hotel and
Mr. Gale, in addition to the other records which t
it, and which the inspectors have before them, t
naps kept in the department, is there
his book, which

to? A. A different class of license issued on that place, and which is at the present time on the place.

Q. These maps show every house, do they? A. Yes, sir.

Q. And there is stamped on the face of every house to sell liquor, in which a license has been issued, or to sell ale, wine or beer, a stamp? A. Yes, sir.

Q. Which stamp consists of a number, and which number shows the grade of license? A. Yes, sir.

Q. Now, are there any remarks made on this map in any way? A. Only in the cases of transfers; as in this case, when the license expires, the number is taken out of the place.

Q. When the license expires the mark is removed from the house or from the place, showing where the house stands? A. Yes, sir.

Q. Is it transferred to the place to which the licensee is authorized to transfer his business? A. Yes, sir.

Q. That erasure is done chemically, is it not? A. Yes, sir.

Q. And then there is a memorandum showing the cause of the erasure? A. Yes, sir.

Q. And making a cross reference? A. Yes, sir.

Q. That is also before the board and before the inspectors? A. Yes, sir.

Q. Now, in the history of all these licenses, we have got to the point where the license is actually issued; have you ever acted as an inspector? A. Yes, sir.

Q. Have made inspections? A. Yes, sir.

Q. Now let us go back to the board itself for a minute, in the history of the license, to see how the inspector conducts his inspection, and to see what is generally understood as the duty and the scope of the authority of the inspector; are the inspectors in the department supposed to visit the place? A. Yes, sir.

Q. Personally? A. Yes, sir.

Q. The inspection is made, in the first instance, as I understand it, on the specific application? A. Yes, sir.

Q. Is there any general inspection of the conduct of the liquor business in New York city, conducted or carried on by the board of excise? A. Through the inspectors?

Q. Through the inspectors? A. Yes, sir.

Q. After licenses are issued? A. No, sir.

Q. Only before? A. Only before.

Q. Then there is no general inspection, the inspection is specific and in each particular case? A. Yes, sir.

...turned in and compar
...s in getting up our annual reports.
Q. In that inspection, however, there is no investig
ral character of the licensee or manner of conduc
No, sir.
. But simply to check off your books to see wheth
tain a correct statement as to the name of the lic
e and the grade of the license? A. Yes, sir.
So that the general inspection is not in the natu
ction at all? A. No, sir.
Do you, as secretary and, consequently, as chief exe
l, understand that the board of excise have any poli
eneral sense; that is, the power to generally su
ct of the liquor business in the city? A. No, sir.
Where do you understand that power lies? A. T

o that when a license has once been issued, you
e board of excise are not responsible for the mann
iness is carried on, on the particular premises by
erson? A. No; I wouldn't say that.
ell, would you say that the board of excise is not r
ch a time as complaint has been made? A. I
r the board in that matter.
; I ask what your understanding of the power of t
e duty of the board; you have been its chief executi
read by the stenographer as follows: "Q. Well, w
he board of excise is not responsible until such a
has been made?" A. I would not.
nator FASSETT:

By Mr. Ivins:

Q. In the absence of complaints and in the absence of the police department, if the board of excise did no more than it now does there would be no inspection or supervision of these places at all, would there? A. No, sir.

Q. Now, the board of excise is not equipped, either in so far as organization or financially, is it, to carry on a continuous examination and consequent control over the business of the sale of liquor in the city, once the licenses have been granted? A. Decidedly not.

Q. It does not assume to do that, does it? A. No, sir.

Q. In other words, the enforcement of the liquor laws of the city is the duty, as you understand, of the police department and courts? A. Yes, sir.

Q. And the general inspections which are made twice a year are not made for the purpose of testing the question of whether the law has been violated? A. No, sir.

Senator Fassett.—What are they made for?

Mr. Ivins.—They are made for the purposes of checking off the books, he has said.

By Senator Fassett:

Q. In what way? A. Well, the inspector examines the license and takes down the name of the licensee, the place, the class of license, and the date of expiration.

Q. That is, this general inspection is for the purpose of verifying the accuracy of your own books? A. Yes, sir; seeing that the licensee is at the place at the time.

By Mr. Ivins:

Q. Then, as matter of fact, the board of excise in each particular case makes but one inspection, and that is immediately prior to the granting of the license, whether it be an original license or a renewal license. A. Yes, sir.

Q. And that inspection is made but once a year? A. It is made with each new application for license at that place.

Q. This is made but once a year for each place, or for each licensee? A. For each licensee.

By Senator Fassett:

Q. Do you inspect for renewals where the licensee and the place are the same? A. Yes, sir; no license is issued without an inspection.

Yes, sir.
Q. In every case where an application is ma
or an old place, the same inspection is made? A. Y
Q. And it might be that three or four licenses w
e course of one year to three or four different me
Yes, sir; or five or six.
Q. And in each of those cases an original inspecti
s, sir.
Q. And the inspector's report comes in in this form?
Q. Now, when you made an inspection, which, as I u
only inspection that the board ever makes, and whi
le through you or some other inspector, what do yo
e is visited, the applicant is asked for at his place
tions written down on the blank form are aske
se is exhibited, the name on the license is taken d
of the expiration of that license, the number of th
lass; it is compared with his present application; i
ge in the present grade of license, applied for wit
e premises, the applicant is notified of that and as
he wants; after the questions are asked and prope
filled out, the report is signed by me as in
to before a notary public or commissioner of d
a diagram is taken of the place, with the location
e saloons in the neighborhood as they exist.
ow let us take this inspector's report up in detai
e place? A. Yes, sir.
nd the first report is where the bar is? A. Whet
r, second floor or basement.
d that blank is filled in accordingly? A. Y
en you mak

number of sleeping rooms in a hotel application; the report covers all the different forms of license which are issued.

Q. And that really might just as well be stricken out in all cases except where there are hotel licenses? A. Yes, sir.

Q. Or where there are restaurant licenses? A. Yes, sir.

Q. It might be that that would be filled in in the case of a restaurant license? A. It might be.

Q. Now, suppose it were a hotel license, how would you discover the number of rooms? A. By the applicant himself or the chief clerk or the clerk of the hotel.

Q. Not by personal inspection? A. No, sir.

Q. How are the hotels classified; first and second, are they not? A. In the first place, the distinction is entirely arbitrary; it was formed by the old board of excise, the former board of excise, and the first-class hotel was defined as a hotel having fifty or more sleeping-rooms, with restaurant and café; the second-class hotel was one having less than fifty sleeping-rooms, with restaurant and café.

Q. So that whether a first-class license for a hotel would be issued would be dependent upon the answers to these questions? A. Yes, sir.

Q. And it is for the purpose of determining that this part of the form has been constituted? A. Yes, sir.

Q. Now, "I have carefully examined such premises and building and find no indication that the same are used or to be used for gambling or other immoral purposes, and no part of said building is a resort for immoral persons;" how would you conduct such an examination, and what authority do you have as inspector to conduct an examination sufficiently to enable you to make that statement? A. Only by permission of the applicant, in so far as he will show me the premises; I understand the word "building" refers to the part of it simply which is under the applicant's control, for which he pays.

Q. Suppose there were a place, on the lower floor of which liquors were sold, the upper floor of which was used — the first floor, we will say, above the ground, as a gambling saloon; the second and third floors for the purposes of assignation; suppose there were a connection between the bar-room and the upper floors of the building, and an application had been made for a license or a renewal of a license to sell liquor on the premises; suppose that though there were a connection between the first and upper floors, the business were run by different people; how would you, as an inspector visiting and inspecting the place in which the liquor

which these liquors were sold? A.

Do you know whether any effort has ever been ma
ny other inspector; have you ever heard of a case w
been made to compel an investigation of the remain
A. I know of cases where what is called a special
een made, where the first report is not satisfactory.

y Senator FASSETT:

Is that in a case where protests have been filed? A
e newspaper clipping it is stated some part of the
for gambling or as a pool-room; in other words,
or's suspicion, or the suspicion of the board, was a
the premises were used for that purpose and there w
tween the premises applied for and the premise
g or other purposes.

Mr. IVINS:

e blank which is filled with regard to the indicatio
for which the building is used is filled in mo
in every case; is it not? A. I could not say that.
l, it is impossible, you see, that it should be
and perfectly as to the entire building? A.

there is no authority in law? A. No, sir.
mpel an investigation which would enable you to fi

quently, you, as an inspector, interpret the word "bu
nt part of the blank is concerned, and so far as it
hority and your business, as referring
ce in which the

up stating what it is used for, or the licensee tells him; in some cases they show the rooms; the licensee does not, in every case, refuse to show the other portion of the building.

Q. "No part of the building is used as a concert saloon, theater, or for sparring exhibitions or skating rink;" you know that the concert saloons, theaters, etc., have to be licensed by the mayor? A. Yes, sir; supposed to be.

Q. And you know there are certain laws which prohibit the sale of liquor in or about these places, under certain conditions? A. Under certain conditions.

Q. Now, what authority does an excise inspector have to prosecute his inquiries with sufficient thoroughness to enable him to say he knows there is no such connection? A. Only by permission of the applicant himself.

Q. It is possible that there may be connection between the place in which liquor is sold and a concert saloon or a place in which sparring exhibitions are had, and still it may be possible for the inspector to personally get the information with which to answer that question accurately, is it not? A. Yes, sir; it is.

Q. As incident to a lack of power on the part of the inspector? A. Yes, sir.

Q. So that this blank as filled in is filled in as meaning and as being understood to mean to the best of the inspector's knowledge? A. Yes, sir; that is what he swears to.

Q. "No waiter girls are employed and no music is had on the premises;" what, so far as you know, is the reason why that particular piece of information is asked for, as to whether waiter girls are employed? A. It is a violation of the excise law to employ waiter girls on the premises to serve drinks.

Q. To serve drinks? A. Yes, sir.

Q. Now, suppose it to be a restaurant having a restaurant license and in which girls are employed? A. It would be no violation, in my judgment.

Q. Has that question ever been raised? A. I don't think it ever has.

Q. You don't know then whether the employment of waiter girls in places which have a restaurant license, is illegal or not? A. No, sir.

Q. But you do know that the employment of girls in places which have any other license except a restaurant or hotel license, as waiters, is illegal? A. Yes, sir.

Q. Now, why is the inspector asked in regard to having music on the premises? A. Because that brings in the question as to whether they have a concert or theatrical license.

n that to the report and give the date of the expi
se.

"These premises are not known as being disorde
ad made an inspection on the premises and wer
that blank; what steps would you take, as an insp
he character of the place as to disorderliness? A
I would examine Mr. Hoyle, the special inspect
nation of the records of the things in the departm
ard to the character of the place; if I had been att
et I would probably know myself that the place
ame; if I was a new man in that precinct I woul
ghbors, if I had reason to suspect it was disord
in a disreputable manner, and, by making proper
t-door neighbors or neighbors across the street,
rmation.

you know what the purpose of that part of the r
actice for the board of excise to refuse a license
he report on whom personally is good, because
etofore been disorderly under some other licensee?
on how far back the disorderly conduct has ta
the place has absolutely changed hands, and whe
e evidence brought before the board to show that i
ed hands.

natter of fact the real importance of this particul
is, on renewals rather than on new licenses, is it

at if on an application by a certain individual for a
to himself, the report was

the license has been favorable, and a license has, nevertheless, been refused because of the continuous bad character of the place? A. Yes, sir.

Q. Just name some of those places? A. This Clark's restaurant.

Q. And that now, you say, has a license? A. Yes, sir.

Q. When was it that they did not have a license? A. In 1889; from the fall of 1888, until the 3d of May, 1889, I think.

Q. Is the person who now has the license the person to whom the license was then refused? A. I think not.

Q. Were you ever in Clark's restaurant? A. Yes, sir.

Q. Were you in Clark's restaurant during that time? A. That it was not licensed?

Q. That it was not licensed? A. No, sir; not to my knowledge.

Q. Have you ever heard whether Clark's restaurant during the time for which it was not licensed was still open? A. Yes, sir.

Q. And running as a restaurant? A. Yes, sir; it was open.

Q. You have heard that it was open? A. I have heard so; yes, sir.

Q. Now, in a case of that kind, as soon as the license is refused, what is the practice of your board, so far as concerns the board of police? A. We send a notice to the applicant himself, stating that his application for a license has been rejected at that place; we also send a notice to the board of police, notifying them that an application has been made for such and such a number, by such a party, and said application has been rejected, signed by the secretary, and sent to the board of police the same day of the rejection, ordinarily.

Q. I will take that part of it up later; now, "there is not a license in this building"; that you discover by examining the old license; the license is exhibited? A. Yes, sir.

Q. It is compulsorily exhibited, under the law, is it not? A. Yes, sir.

Q. Hanging in a public place? A. Yes, sir.

Q. How do you discover how long the places have been licensed, when you fill that blank in? A. If the applicant himself does not know, the records of our office show it; that is immaterial, except perhaps relating to three or four years; if the place has been licensed more than that, generally the licensee knows it.

Q. What is the object and purpose which refers to the number of signs on the places? A. That was a renewal adopted by the former board, that when the new ale, beer and wine license was issued, the rule was made that all licensees should have properly made signs notifying the public that ale and beer — or that ale, beer and wine only were sold at that place.

re any instructions to the inspectors to
n of the locality for the purpose of discovering
ces? A. That is embodied in the report.
). And are the instructions that they shall make
? A. Instructions that they shall fill out that repor
is embodied in that.
This says "in the neighborhood;" what are the i
hat shall be construed as the neighborhood for th
report? A. Well, the neighborhood is regarded a
r direction if the place is in the middle of the bloc
site corners of the adjacent streets; if it is on the c
he block in either direction.
IVINS.—In that connection, to elucidate that an
, I will read to the committee certain of the rule
lied in this annual report which is now in evidence.
Ivins here reads the rules from Exhibit No. 1 of t
low, the first thing that you take into consideration
called fourth rule, is it not; that is in regard to the th
t would be in a new place; yes, sir.
ow, if it is an old place and three out of the four
ır of the four corners, have already been licensed,
ces may be licensed? A. Yes, sir; that only refer
license, a license where drinking is permitted on the
icense may be had then under the rules for a pl
is not permitted on the premises? A. Yes, sir; kn
ber's license.
hough three of the corners were already occupied
inking does occur on the premises?
icense would

and asylums, and that is the next form in this blank after that for unlicensed places? A. Yes, sir.

Q. "Churches, school-houses, hospitals, asylums on the same block on either side of the street or within 500 feet of the place are located as follows:" in this case it is written "none?" A. Yes, sir.

Q. Otherwise you would write in in full? A. Yes, sir.

Q. Now, are both of these third and fourth rules identical with the third and fourth rules as they existed prior to the 1st of May, 1889? A. I think they have been changed a little in the wording, if I recall it right.

Q. Is it not the fact that one of those rules prior to the 1st of May, 1889, or prior to the term of the present excise board, also prohibited the licensing of a place next door to a place already licensed? A. That was one of the rules of the former board.

Q. So that one of the changes made by the present board was the alteration of this rule in such a way as to permit the licensing of a place adjoining a place that was already licensed? A. Yes, sir.

Q. The practice of the old board was not to license a new place under such circumstances? A. No, sir.

Q. The practice of the present board has been radically changed in that regard? A. Yes, sir; as a board.

Q. I notice you say "as a board;" what do you mean by that? A. The rule was abolished by a vote of two to one.

Q. And how was that vote? A. Koch and Fitzpatrick voted to rescind that vote; Commissioner Meakim voted not to rescind.

Senator FASSETT.— What rule is that?

Mr. IVINS.— That is a change in one of those rules which heretofore prohibited a license being granted to a new place adjoining a place already licensed.

Senator MCNAUGHTON.— Why not put in evidence the other rules?

Mr. IVINS.— I will have those here.

Q. The character of the surrounding neighborhood is, in this case, described as stores and dwellings; how do you make inspection as to the character of the neighborhood? A. By personal investigation and noticing what the buildings are used for; whether tenement-houses or stores or dwellings, vacant lots or warehouses.

Q. And you report tenements? A. Yes, sir.

Q. You report, if the whole block is taken by a hotel, that it is a hotel? A. Yes, sir.

Q. If they are vacant lots, you report that? A. Yes, sir.

Q. And do you distinguish between dwellings and tenement houses in making that report? A. Yes, sir.

they are supposed to examine them, and
nt's statement.

Q. And your examination follows immediately, and
estigation as to arrests for violation? A. Yes, sir.
Q. Protests were not made against the place; th
n books in the office? A. My protest book; ye
pector's protest book.

. And so as to an application having been rejected
In cases of that kind is it the duty of the individu
hrough the books and discover those facts to enabl
report, or does he get those facts from one o
ctors? A. He gets that himself, or in case of
rtainty, he can always get that information by ap
tary when his books do not complete the inquiry
"Upon diligent inquiry, I find the moral characte
ant to be good;" tell us, as an inspector, what you
good to begin with? A. An applicant for a lic
no complaints have been made or no protests, in re
g of his place or the way it has been run; one wh
heretofore and has not had the license revoked, h
l, I should state that his moral character was
keeper.

or FASSETT.—In other words, that means that the
good enough.

ppose a man who was a member of the Narra
club, who was known to be the friend and com
, and who had a reputation for being a tough, and
in one or two street rows, and who was
his district

antecedents; it is a matter that has got to come to his ears; he has to get the information by his own sources.

Q. That brings us back to the first part of the statement — "Upon diligent inquiry;" what do you understand to be meant by the "diligent inquiry?" A. Well, it is a phrase, but what that means, I presume, that the inspector shall take what methods he can to protect the board and protect himself in his report.

Q. Now, is it the custom of the inspectors in the department to really prosecute an inquiry as to the history or antecedents of individuals applying for licenses? A. I can not say.

Q. As an inspector has it been your custom? A. It has.

Q. Has it been your custom to go to anyone other than the licensee himself? A. Yes, sir.

Q. Well, now, suppose Senator Fassett, for instance, were to make an application for a license across the street —

Senator Fassett.— I would a little rather you would not bring me in.

Q. But, that instead of being the chairman of this committee, he was simply an individual in New York city, doing a regular business; how would you go about making an inquiry diligently as to his antecedents? A. By some questions which I would ask him as to what his former business had been; if he had ever been in the liquor business before; if so, where; if he had been in the liquor business here, I could find his record very easy, as to what it had been in the former place; if not, then I could find out from my observation of the man, or from the fact of his bondsmen, who would know, evidently, the kind of man whom they were going on bond with.

Q. Suppose he told you he had never been in any business, then what would you do? A. I should rely upon my own observation.

Q. How would you go about observing? A. By the general appearance and indication of the man and the place; the place where he wanted to open up, if he was there, or where he lived, if I went to his house.

Q. Would you go to his house? A. Not unless it was necessary, if I didn't find him at his place of business.

Q. If you saw him at the place of business, saw him and talked with him, you would not think it was necessary to go to his house? A. No, sir.

Q. Suppose he said he had been in the retail dry goods business; would you go to where he had been in business to find out what his character and reputation was? A. No, sir; I take it for granted that a man is of good moral character unless it is proven to the contrary, unless something to the contrary comes under my observation.

By Senator Fassett:

Q. You adopt the theory of the criminal law, th
until he is proven to be guilty? A. Yes, sir.

Q. On what do you depend in determining the c
you have partly answered that? A. On personal
records of the department, if he has been a license

Q. If he is a man who has not been in the liqu
ore, you do not search the records of the police dep
f his neighbors or make diligent inquiry and rese
ou? A. No, sir.

Q. If a fellow is a pretty good looking chap and
ks well and the place where he proposes to op
lf reasonably unobjectionable, why that goes, d
that goes.

By Mr. Ivins:

Now, no license is ever granted to a person who
aving a good character and general reputation?
n of any; no, sir.

Then the assumption is, as based upon the r
tors that everybody in the liquor business in New
moral character and general reputation? A. Ye
hat would appear if this was proof of character,
whole liquor trade could be proved by the produc
in every case? A. Yes, sir.

Senator Fassett:

very license based upon some such
r license.

been licensed on a report of this character showing that his moral character was good? A. Yes, sir; as far as my knowledge goes.

Q. And if it should so happen that the licensee, of any place, now, was a man not of good moral character and of notoriously bad character, it was because the facts did not appear on the surface? A. Yes, sir.

Q. And because he had not been convicted of something? A. Yes, sir.

Q. And on the assumption that every man is innocent if he is not proven guilty? A. Yes, sir.

By Mr. Ivins:

Q. Now let us assume that a license is issued to John Smith, and that you have made the best investigation that you can and you report he has a good moral character; and let us assume he is an applicant for a license to a restaurant, Clark's restaurant or the Palm Garden, and that it is now generally known through the community that the Palm Garden is being used for the same purposes for which it used to be used, and that the same influences were taking place in Clark's restaurant as are alleged to have taken place in the report we listened to a little while ago from the *Press;* what steps would the board take, if any, for the purpose of testing the good faith of the inspector at the time he made that report, the accuracy of his report or the propriety of permitting that person to continue in the exercise of a license on the assumption that he had a good character? A. They would, in all probability, order a special investigation to be made of the place.

Q. A special investigation after the license had been issued? A. No, sir; before.

Q. I mean after the license had been issued? A. What course would they take; what was the question, please?

Q. Now I will put my question to you in another way; the Palm Garden and French Madam's are places of notorious ill repute in the community; suppose I were a person of notorious character in Boston and had come here to New York a complete stranger; say I have been driven out of Boston by the police and come to New York a complete stranger and, being a rather a good looking fellow and well dressed, made an application, supported by the proper influence, to the board, and that I made an application, that a license were to issue to me on the fact that you had generally sized me up, looked me over and thought I looked like a pretty decent fellow, and I had the proper influential backing and support through this; that two or three persons certified that I was a pretty decent kind of a fellow; but

...they issued the license to Clark's re
Q. That had a bad reputation? A. Yes, sir.
Q. They issued it to a new man? A. Yes, sir.
Q. Do you know whether the reputation of C
changed since then? A. I do not.
Q. Do you not know that in the department
still regarded as having a bad reputation? A.
complaints to my knowledge of Clark's restaura
complaints entered in our records, to my knowled
Q. I have a list of about fifty places that hav
ut I can not take those up now; I shall prove the
laces later on, seriatim; now, assuming that t
d been deceived and the license had been gra
at I had fallen from grace, after having taking th
the antecedent history and associations of the
board do? A. I do not think anything woul
plaint was made as to the way the place was co
licensee.
In other words, the board might be deceived as
he party and the place might be carried on in
h it had been formerly? A. Yes, sir.
But until a new specific complaint was made by
r a citizen or the police, or a newspaper reporte
ponsible, the board would do nothing? A. I thi
Now, inasmuch as the newspapers constitute
inery of the excise board, what steps, if any, ar
board or the inspectors for the purpose of testin
r untruthfulness of a report contained in
d up to the di...

Q. The newspaper report might be months prior to the time you made your application? A. I would note that in my report.

Senator FASSETT.— Do you verify the accuracy of these reports in any way? A. We do in a great many cases where there is a violation of the excise law.

Q. Where these newspaper clippings raise a presumption against the applicant, then you seek to further verify that clipping? A. Yes, sir.

By Mr. IVINS:

Q. Do you seek to do that at the time or when application is made for a new license? A. It depends altogether on what the newspaper item alleges.

[The committee here took recess until quarter-past 2.]

AFTERNOON SESSION.

Continuation of the examination of George H. Gale:

By Mr. IVINS:

Q. In the absence of the minutes of what occurred before the adjournment so that it makes it impossible to read the last question. I will ask you this question now; the newspaper reports are used very largely as a basis for the determination of the character and notoriety of the parties applying for licenses; does the board of excise take any steps to verify the accuracy of these newspaper reports? A. I do not think the board of excise use them to any great extent except as a clue to some other matters, or as a clue to put them on their guards.

Q. Now, suppose a newspaper were to report some violation or law or some outrageous proceedings in a place for which there was a license to-day; that would go into your book, would it? A. No, sir; the first thing that would be done, if it alleged a violation of the excise law, we would write to the board of police, call their attention to the newspaper report and ask for a report in reference to the correctness of it.

By Senator FASSETT:

Q. But the clipping would go into your book? A. The clipping, afterwards, would go into the book.

By Mr. IVINS:

Q. The clipping would afterwards go into the book; now, the board of excise would not, itself, make any special or particular inspection of the place at the time? A. Not until after we got the report from the police, under ordinary circumstances.

for hearing, and summon the
them and show cause why his license should not
Q. Treat the newspaper report as a complaint
Senator FASSETT.— The police report. This has
they have got a report from the police.
Mr. IVINS.— I haven't got to police; I did not fo
Q. Let us take the report that you read from a
York *Press* of December, 1889, with regard to Clark'
hat report appeared in the newspapers, was cut
he book— but assuming that as yet the police had
remises, would the excise board in a case of that ki
urse, send one of its inspectors to find out abou
ink not in that case; I do not think the violatio
eged in that.
Q. Now, in that case there was no violation of t
a story which showed that there were strange go
t? A. That is true.
Now, in a case of that kind, where such th
nd which facts militate against the report of good
h the license was predicated, is it usual for the bo
and have a special inspection? A. In some cases
But not necessarily? A. Not necessarily.
ator FASSETT.— In other words, Mr. Ivins, where it
spaper report or otherwise that disturbances o
appened in licensed places which would justify th
if known at the time of the application, it does
ollow that the excise commission take steps upo
hings to revoke the license.
ITNESS.— That is it.

n which a license has been revoked, not because of a distinct violation f the law, but because the place was regarded as a — let us say, a est spot in the community? A. Yes, sir.

Q. Such cases have occurred? A. Yes, sir.

Q. Then any report from a newspaper, or from citizens, which shows hat the place is such as to constitute a taint on the neighborhood, he license may be revoked? A. On a showing by the neighbors or y citizens that the place is conducted in a disorderly or disreputable anner.

Q. In that connection — have you heard of a place on the corner of orty-second street and Sixth avenue? A. Forty-second street?

Q. Yes? A. No, sir.

Q. Have you ever heard of the Forty-second Street Association? A. o, sir.

Q. Have you ever heard of the Forty-fifth Street Association? A. I on't recall them by the name of the street association; I remember here was a complaint filed yesterday, I think, from the association ither at Forty-fourth or Forty-fifth street, between Sixth and Seventh venues, against the place known as the Sixth Avenue Hotel.

Q. That is the place I have in mind; now, if a complaint be filed by he neighbors against such a place as the Sixth Avenue Hotel, for nstance, although there may have been no violation of the law — in hat case I understand the complaint was because the house was a otorious house of assignation — the premises were used as such — ut there was in it a man who was selling liquor under a license ranted by the board; what is the course that would be pursued in he ordinary routine by the board? A. The course that has been ursued, the licensee has been notified to appear, and the case has een set down for a hearing at once.

Q. Is it a violation of the excise law, as you understand the law, aving been one of those to administer it here, that liquor should be old in a house of assignation? A. Do you ask if it was a violation?

Q. Yes? A. It is, in my judgment.

Q. Do you know of any specific statute in the premises which makes t a violation? A. I think it would come under the head of disorderly ouse.

Q. That would be sufficient to cover it, in your judgment? A. I think if it could be shown that the licensee had under his control rooms used for the purpose of assignation, and it would necessarily follow that the place was used for disreputable or immoral purposes, I think the license could be revoked upon that showing.

to be a disreputable place? A. I think so
Q. After this application has been made and th
made, the inspection is filed; when is a bond giv
given at the time the application is made.
Q. Simultaneously with the application? A.
rst step in making the application.
Q. Still confining ourselves to this inspection —
t as an actual inspector? A. I have been, more
er since I have been connected with the departm
Q. Have you made 100 inspections? A. Since I h
h the department?
Q. Yes? A. Yes, sir.
Q. Have you any idea or recollection as to th
uired by you to make an inspection? A. That
at deal upon the circumstances; some inspection
ry short time; others would require holding the
hours, or for forty-eight hours, to see the pa
whether the licensee is in his place of business w
; it depends again whether there is anything
ings that have been charged against a place, or a
made which require investigation.
Take the 100 inspections which you have made;
average, do you suppose it has taken you, as yo
day? A. My inspection includes in part an e
l reports; a great many had been reported o
on a special report blank.
ow many inspections have you made on these pri
A. I should say yes; fifty; forty to fifty;
ow, these fif

Q. Wouldn't it be possible for you to make an inspection each day? A. I don't see why it couldn't be, if the licensee were present.

Q. If the licensee were present, how many inspections could you make? A. That would depend on where they were arranged, whether there was one in the first, and the other in the twenty-seventh ward.

Q. How many precincts are there, geographically, in the city? A. Thirty-five.

Q. And thirty-five is exclusive of the steamboat precinct, the Broadway squad and the ordinance squad? A. Yes, sir.

Q. What is the arrangement in the office regarding the allotment of inspectors to precincts? A. The chief inspector has that under his control by acting under authority of the commissioners — the assignment of inspectors to their different precincts.

Q. Those precincts vary very largely territorially, do they not? A. Yes, sir.

Q. Some of them are large; some are small? A. Yes, sir.

Q. Then, again, they vary very largely, do they not, as to the number of licensed places in each precinct? A. Yes, sir.

Q. Is an inspector ever appointed or directed to make an inspection in the first precinct and in the new twenty-ninth precinct? A. In the same day?

Q. In the same day? A. Yes, sir.

Q. Aren't the inspectors allotted to precincts? A. They are to a certain extent.

Q. Isn't that the system? A. It is the system to have two inspectors assigned to a precinct, but that doesn't follow; it is an arbitrary rule, and it is broken every day.

Q. As a rule, however, the inspectors inspect within the precinct to which they are generally assigned, do they not? A. As a rule.

Q. When an inspection is made, is it made by one inspector, or by two? A. As far as the commissioners have knowledge, the report is made by one inspector, signed by him, and sworn to by him.

Q. Isn't it the practice that two inspectors, as a rule, go to each place? A. I can't say.

Q. Have you ever known of one inspector accompanying another and assisting him in the inspection in a particular precinct? A. Not to my knowledge.

Q. Now, suppose an inspector were allotted five places to inspect in the same precinct, and within a mile or two of each other, couldn't he inspect those entire five places in two or three days at the outside? A. Under ordinary circumstances he could.

Q. Then if you did inspect four or five places in
take you over an hour to write out the reports of
they were the same as that report, and all on renew
Q. Now, suppose that they were not on renew
icenses, where would the variation arise? A. Make
lifference; the inspector has to take a great deal
eporting a new place; has to go over the locality ve
examine very carefully as to the close proximity of s
d asylums; and look up as to whether a protest
ainst a saloon in that neighborhood.
Q. I mean particularly as to writing out your report
Senator FASSETT.— After you get your information.
Mr. IVINS.— Yes; after you get your information.
The WITNESS.— Then he has to take the additional
t is found out by the records of the office and put
not been made against this place."
In your judgment could an inspector, during the
ie year, on the average, accomplish one inspection a
eport? A. Yes, sir.
With facility, you think? A. Yes, sir.

y Senator FASSETT:

Is there any doubt about it? A. No, sir.

y Mr. IVINS:

low many inspectors are there in the department?
orty-nine regular inspectors and twelve special insp
ow, there are 887 licensed places
or E

Q. And leaving out the chief inspector? A. Yes, sir; chief inspector and deputy chief.

Q. How many deputy chief inspectors are there? A. One.

Q. Then there are sixty-three inspectors in all? A. And two general inspectors?

Q. Making sixty-five? A. Yes, sir.

Senator FASSETT.—How are they paid?

Mr. IVINS.—I want to get to the other point first.

Q. There are 8,085 places and these forty-nine inspectors can inspect a place a day; if that were done, and assuming that there are 300 working days in a year, how many places would that give use for actual inspection? A. Fifty-one —

Senator FASSETT.—If there were 313 working days, sixty-one a day would make 19,093.

Q. On that basis, it would appear, in case a man can make an inspection a day, and assuming that he does not make more than one inspection a day, the force would seem to be twice as large as it is necessary? A. If you want to go into that I can easily show where the discrepancy occurs.

Q. Show us? A. In the first place, you are on a basis of 8,085 places, but there are over 11,000 applications made each year; I think last year 11,400, and each application required a report, with the exception of perhaps forty, which were rejected, without any report; now, then, the whole force in the department—we have only a cashier, an assistant cashier, an engrossing clerk, are the only clerks we have; consequently, the special inspectors have a little larger salary and do clerical work; now, all this work that you have seen some signs of here, is done by inspectors; one general inspector has entire charge of all the —— of the board, of which there are 400, I should say, by the report; the other is at the head of the unlicensed bureau; so that about fifty inspectors do the actual outside work, excepting rare cases, and that doesn't include any special inspection that the commissioners may order, or duplicate reports on the same place.

Q. Do you think it would be impossible for the inspectors to make two inspections a day? A. I do not.

Q. You think it would be possible? A. I do.

Q. You think it would be possible for them to make three inspections a day? A. Yes, sir.

Q. You think it would be possible for them to make four inspections a day? A. Under ordinary circumstances; yes.

Q. Then if they were to make four inspections a day with the present force, they would be able to make in the neighborhood of

during the four months where our work is heavi
in April we had 144, and another day in July we

By Senator Fassett:

Q. And you maintain the force because you
inspector without pay? A. Yes, sir.

Q. But they can be discharged? A. Then it w
service examination to get him on again when h
the appropriation is made by the board of estim
ment for one year from April thirtieth.

Q. Then your force is maintained on the estima
ions a day? A. For the four months, February,
May.

Q. On the average of the hardest working months

Q. On the average of 2,000 a month; I suppose
ses occur? A. No, sir; they run through the year.

Q. Four thousand of them? A. Yes, sir.

Q. About a thousand a month? A. Yes, sir.

Q. About thirty-five a day? A. More than that;
April and May, it will average about seventy-five
l May.

). That averages more than a thousand a month?
and March is less; April and May are the heavy n

By Mr. Ivins:

Now, during April and May, would seventy-five
age? A. Yes, sir.

Then with forty-nine inspectors, if they were to
and a half each, or in oth

another, carrying on two or three or four simultaneously? A. Yes, sir.

Q. Then, as matter of fact, the force is even in excess upon that basis of the assumption of the maximum? A. I couldn't judge as to that, as regards the excess.

Q. Now, we have had a history of the license up to the time that it is granted, and we have found out something about the history of the revocation of the license; when the license has been revoked, it is the custom of the department to certify that revocation to the police board? A. It is.

Q. That is done in every case? A. Yes, sir.

Q. Formally? A. Yes, sir.

Q. It is then left to the police board, is it, to see that the parties shall not continue in the sale, or continue in the business, without a license? A. I couldn't say what is left to them.

Q. I mean so far as the excise board is concerned? A. As far as the excise board is concerned.

Q. That ends it? A. Yes, sir.

Q. If they continue to sell without a license of the excise board, it is not responsible? A. Yes, sir.

Senator FASSETT.— While we are on this, let me ask you something on the order of proof.

By Senator FASSETT:

Q. There are three excise commissioners? A. Yes, sir.

Q. Do you know what their salaries are? A. Five thousand dollars.

Q. Apiece? A. Yes, sir.

Q. Then what other officers are there? A. Secretary.

Q. How much does he get? A. Three thousand dollars; assistant secretary, $2,000; two general inspectors, $1,800.

Q. Apiece? A. Yes, sir; cashier at $3,000; assistant cashier, $1,800; chief inspector at $1,800; twelve special inspectors at $1,500; forty-nine inspectors at $1,200.

Q. One thousand two hundred dollars apiece? A. Yes, sir; there are three special aides at $1,200, and one steamboat roundsman at $1,200, I think.

Q. Is that all the force of the department? A. And one cleaner at $800.

Q. What is that — a janitor — janitress? A. Janitor.

Q. And you have to pay rent? A. Rent.

Q. Where are the rooms? A. At 54 Bond street; northwest corner of Bond street and the Bowery.

check of the comptr

I won't state as to that.

Q. You sign the pay rolls? A. Yes, sir.

Q. And you get your money? A. Yes, sir; I g

Q. Whose check? A. Signed by J. H. Timmer

Q. Who is he? A. City paymaster.

Senator FASSETT.— I understand that a credit is
department—

Mr. IVINS.— These several departments are paid
hamberlain. The draft is drawn by the comptrol
the chamberlain in favor of the city paymas
aster deposits the fund in a bank designated by
d then draws the paymaster's check to the seve
veral departments. That applies to all the depar
vernment.

Senator FASSETT.— I suppose he meant that no
neys go to meet the expenses of city government.
. The point I wanted to get at was this, the exp
al of the building is paid in the same way that th
rtment are paid for? A. I don't know as to t
r does anything in regard to the payment of th
aid directly to the owners of the building.

ator FASSETT.— The rentals, you mean?

WITNESS.— Yes, sir.

Where are the payments made to the employes
f the board ordinarily.

he paymaster goes up there? A. Yes, sir; ordina
fter the first of the month? A. First or second
ily.

course, through the police arrests, which we get every week — the arrests in each precinct.

Q. Do you enter up the fact of an arrest against the name of the party, or against the place? A. That report is not entered up at all; it is simply kept on file, hanging in the inspection-room.

By Senator Fassett:

Q. How long is it kept on file? A. We have got them back there on file.

Q. Are they arranged alphabetically? A. They are arranged by precincts — each precinct by itself.

By Mr. Ivins:

Q. Now, suppose that in addition to an arrest there has been a conviction; that conviction is sent to your department, is it not? A. It would depend if he was a licensee of the board or not; you mean if he was convicted of selling without a license?

Q. Without a license? A. In the ordinary course it wouldn't; we would have to take grounds to discover that fact.

Q. Let us take two cases: First, the case of a man who, being a licensee of the board, is convicted of the law, such, for instance as being open on Sunday — as being open after hours, as selling on Sunday, or as selling after hours, he still being a licensee of the board, would that conviction be reported to your board? A. No; it wouldn't be reported to the board; the board has on three or four different occasions written to the clerk of General Sessions, and also to the clerk of Special Sessions, requesting them to forward to that department immediately upon such conviction, a list of such convictions, in order to enable the excise board to proceed with due care in regard to the granting of licenses; that has not been done; the clerk of General Sessions, now, I think does write out a copy, for which we furnish the blank, and an inspector is detailed to go down there once a week, as often as the case may be to get those reports; the Special Sessions, we have to send down and have copied by one of our inspectors; the inspector goes down there, and he informed me yesterday, that there often was great difficulty in the Special Sessions in getting at the books and keeping them accurately up to date.

Q. After you have become aware of the fact of a conviction, do you make an entry on your records of that conviction? A. Yes, sir.

Q. That conviction operates at once as a vacator of the license? A. As a revocation of the license, at once.

Q. Do you make any entry on your books of the fact of an arrest where there has been no conviction? A. No; we do not.

they make on that for the guidance of
would be under the remarks — there has been ar
er things; it would be a remark that the applican
held in $100 bail to answer, or as the case may be,
dollars bail, or whatever it might be.
. Have you, in making a report, ever found that th
ing whom you made the report had been arrested
llect that I have; I haven't made any of those report
nk; with two exceptions, I have; in those cases there
t.
Is there any instructions or any general practice
rning the manner in which an inspector shall re
character of an applicant, if he finds that the ap
rrested once, twice or three times for violation of
without a license? A. There is not.
)o you know whether the practice in the board is
ose facts into consideration in reporting on the mor
pplicant? A. I think not.
Senator FASSETT:
me arrests, you think, are not competent? A. Isn
any means.
t proof of guilt? A. Not by any means, accordi
t.
Ir. IVINS:
the practice in the board is to consider that a man
proven guilty, and proof of guilt is a convict

selling without a license before giving their bond, and are never lled for trial? A. I never heard of such things.

Q. Isn't it a fact; haven't you heard of the fact that on several casions grand juries here have advocated that a large number of rests in excise cases should be *nolle prossed*? A. I have heard so.

Mr. Ivins.— I will prove that by the records. I will prove it by the veral presentments, and I will prove it by message of Mayor Hewitt, d in order that it may be understood, I will make this explanation ich I will prove later on. In order that we may clear this up as go on, a man, who had been arrested either for violation the excise laws or for selling without a license may claim his ht to be tried by jury in either General or Special Sessions, and ves his bail, which is usually $100; he may be arrested three or four nes for that, and he may give bail three or four times, but humanity the practice of the courts here requires that the prison cases shall tried first; the prison cases average between sixty and seventy or ty and one hunded per month — I should say per week; the trial of ese prison cases takes about all the time of the district attorney's ice, and a man can be arrested half a dozen times, and not nvicted.

Senator Fassett.— Both the district attorney's office and the court's me.

Mr. Ivins.— Yes; both the district attorney and the court. A man n be arrested half a dozen times and not convicted. In other words, ing a bail case, it goes over and over. These cases accumulate til there get to be about 5,000 and then the grand jury steps in and ys we will have these nolle prossed, and take a new start.

Senator Fassett.— That can be shown by the records.

Mr. Ivins.— That can be shown by the records of this investigation. therefore follows that while a man may be arrested —

Senator Fassett.— He may be arrested a great many times and not ied.

Mr. Ivins.— And he may not be tried. And consequently the conviction of a habitual offender may never get to the excise commissioners at all.

Senator Fassett.— The presumption is a man can always get bail.

By Mr. Ivins:

Q. Assuming that a license has been revoked; I want you now to escribe the process of granting a license to a new person for the same ace? A. Do you mean a revocation by the board?

Q. A revocation by the board? A. Where a hearing has been had the office of the board and the licensee has been convicted.

from that; I have here the copy from t
eral Sessions and also Special Sessions; this is a form
of excise got up itself and formulated, and the fo
asked the clerks to fill out and forward to us; this
s written by John Sparks, clerk of the General Sess
essions is written and taken by one of our own insp
ral Session is dated clerk's office; February and Mar
wing convictions were had in said court during th
c.; John Sparks, clerk; date of arrest; name of
oprietor; location; how convicted; nature of
ice and remarks; in a case of this kind—
case of Thomas Newman, who appears
ested January 20, 1890; he was a bartender;
erry street; plead guilty; selling to minors; sentenc
twenty-five dollars; we look up our records and find
nty-sixth precinct; place is licensed to Michael Gal
January 1, 1880; notice is made out to Michael Ga
that owing to his conviction in General Sessions
, his license has been revoked; we also make anothe
d of police stating that owing to conviction the licen
in, 426 Cherry street, has been revoked; place is no
ve have the two reports pinned together; they are h
inspector; first, they are press copied in the letter b
book that we keep of every case; then they are ha
inspector; the chief inspector details an inspector t
e; he is authorized by law to go and take the licen
sion of it, which ordinarily he does; he gets possess
it back, and leaves the application there with the
is pinned to the licens

Q. Where does the difference come in? A. In case the license has been taken away from the place, if a new application is made for that place, the regular report is made, and the report states or the inspector stated that the former licensee was John Smith; license was revoked on such a date for conviction in Special or General Sessions; that paper is held and doesn't go before the commissioners until a bill of sale is filed from the former license to the new applicant, and the new applicant is compelled to file an affidavit that on such a date he purchased it from the said party and that the former licensee had no interest or share in the profits; that is filed with the papers and kept on file.

Q. And no new license is given for such a place until after the filing of the bill of sale? A. Until after the filing of the bill of sale and affidavit.

Q. Is the bill of sale kept on file in the office? A. Not always; on request it is returned, and so noted; the application is always kept on file.

Q. Is any inspection made as to the relations between the vendor and vendee in that case? A. As to the relation, do you mean?

Q. Suppose a man had his license revoked and were subsequently to sell his place or sign a bill of sale to his bartender; is any inspection made as to the relations between them? A. Only the compulsion — compelling him to file a bill of sale and affidavit.

Q. Have you ever made an inspection in such case? A. I have not.

Senator Fassett.— What you mean is there is no inquiry into the bona fides of the bill of sale.

Mr. Ivins.— That is what I am going to get at in a minute. I want to see whether the inspector himself first makes an inspection as to the relation between the purchaser and the seller for the purpose of seeing whether it is really bona fide.

Q. Do you know whether any such inspection or inquiry is made? A. I do not.

Q. How long is that bill of sale kept on file before it is returned? A. It depends altogether upon whether the applicant comes for it, and asks for it, either himself or counsel; sometimes weeks, or two weeks.

Q. What does that cover? A. In every case, stock, fixtures, good will; sometimes for one thing and another; I have seen some that were for one dollar.

Q. Is there a blank form for a bill of sale? A. No, sir; it is an ordinary bill of sale.

Q. Does your department furnish a form? A. Yes, sir.

You couldn't say? A. No; sir.
Q. Do you know of any cases where further investig
le into the conditions surrounding the sale? A.
re the revocation was for such an offense as
olutely disreputable character of the place, that it
ed in a thoroughly disreputable manner; not where
ocation for selling after hours.
Not where it was merely a revocation for violatio
is it.

By Mr. IVINS:

The oath administered to the vendee, is that he, a
st in the place? A. That the former licensee has n
ace, and no share in the profits.
Who administers that oath? A. It is sworn to befor
missioner of deeds.
it administered in the office of the excise commissi
cases it is done there; sometimes the affidavits

there any provision required that that should be ad
he commissioners? A. No, sir.
e administration before any notary or commis
as sufficient? A. Yes, sir.
you know whether the question has ever been dis
d as to whether or not a conviction for perjury
n an affidavit that was taken before a commiss
A. No, sir; I know of only one case, and that is ve
lection; the case that occurred a year and
ou know of

Q. Have you ever heard in your experience in the board that it had become the custom in the city here for a person whose licenses were vacated, to make a bill of sale for the purpose of continuing their business in the names of others? A. I haven't heard anything of the kind; it is a matter of fact and record.

Q. It is a matter of fact? A. It is a matter of record that it is done.

Q. This continuing their business in the names of others? A. I do not say that; I say it is usual on the filing of a bill of sale and affidavit.

Q. That wasn't the question; have you ever heard it rumored during your experience that the filing of the bill of sale and the giving of a license for a new party was the means of beating the department, so to speak, the business going on virtually in the same way? A. I can not say that I have heard it.

Q. Never heard any talk about anything of that kind? A. I won't say that I have heard talk about it.

Q. Have you ever suspected that such might be the case? A. I do not think it is fair to go into suspicions — whatever my suspicions are.

Q. I mean you, as an officer of the board? A. I haven't thought it my duty to give the officers any suspicions I had.

Q. Not even when you were chief executive officer of the board? A. No, sir; not even when I was chief executive officer of the board.

Q. You have left it to the commissioners to find that out? A. The suspicion might be absolutely groundless, and I didn't think it was part of my duty to question the bill of sale and affidavit.

Q. Not even where it was for one dollar? A. Not even where it was for one dollar and other good and valuable considerations.

Senator Fassett.— It isn't necessarily an evidence of fraud.

Mr. Ivins.— Not necessarily; I understand that; it only puts one on his guard.

Q. Have you ever seen a report which has shown the relations between the purchaser and the seller? A. Yes, sir; I have.

Q. Can you recall any such reports? A. I can not recall them by name; I have seen reports where the new licensee or the new applicant was the wife of the party convicted.

Q. And have you known cases where such wife has got the license? A. I do not know of any now; I know of cases where they have been refused.

By Senator Fassett:

Q. How about bartenders; have you known any cases where men sold to their bartenders? A. I do not know the relation between the buyer and seller.

... to give or withh
..., sir; that is the only power I know of.

By Mr. Ivins:

Q. Are you a member of Tammany Hall? A. I
ie general committee of the Nineteenth Assembly d
Q. Were you a member of the general committee w
employe of this board? A. I do not know, sir;
ard?

Q. No; of the board of excise? A. No, sir.

Q. When did you become a member of the gener
umany Hall? A. I was placed on the general com
9 — January, 1890.

. This last past January? A. Yes, sir.

Were you a member of any political organization
? A. I was not, except you call the Narragansett c
nization.

Did any one advise you to become a member of Ta
s, sir.

Who? A. William R. Grace.

y Senator Fassett:

Vhat? A. William R. Grace.

Vhen did he advise you to become a member? A.
88 — October, 1888.

Mr. Ivins:

u were slow in following his advice then? A. I c
e.

enator Fassett:

By Mr. Ivins:

Q. Yes. A. Yes, sir.

Q. Have two-thirds of the number of employes been changed since the first of last May? A. Just about.

Senator Fassett.— Since the first of May?

Q. Since the first of May, 1889? A. Yes.

Q. Now, will you explain to this committee the course which is pursued by the board with regard to the appointment in regard to employes in that department? A. In regard to the applications that are filed?

Q. Yes; and the system generally? A. There are blanks supplied by the civil service which the applicant is compelled to fill out and swear to, and that application is, upon an order of the board, forwarded to the secretary of the State Civil Service Commission, with a request that an examination be held as to the applicant's fitness for the position; upon the return of the certificate to the applicant stating that he is qualified for the position of inspector in that department, if the commission sees fit, he is appointed.

Q. There is no competitive examination in that case? A. It is non-competitive.

Q. Under the State civil service rule? A. Yes, sir.

By Senator Fassett:

Q. That is for all inspectors? A. Yes, sir.

Q. Non-competitive? A. Yes, sir.

Q. That is, the mere fact of his having passed the examination qualifies a man to be appointed? A. Yes, sir.

By Mr. Ivins:

Q. Now, the board, as a rule, only reports one applicant at a time, does it not? A. As a rule, only one at a time.

Q. By that I mean that it doesn't report the application of three or four applicants for the same place simultaneously? A. Unless there is a change in the administration, it don't.

Q. The present administration only reports one at a time for each vacancy? A. For each vacancy?

Q. Yes; and notwithstanding the civil service rules, the personnel of that department has been changed to the extent of two-thirds during the past year? A. I think so, of inspectors; not the clerical force.

Q. And in order to do that, it is necessary that removals should be made to the extent of about two-thirds of the inspecting force? Resignation.

Q. The resignations are on file in the office? A. Yes, sir.

session of the new board.

Q. At the first session? A. At the first session.

Q. Who was Stephen O'Brien? A. Ex-inspector

Q. How long had he been inspector of the boar
as appointed in the fall of 1886.

Q. And had been in the board consequently about
half? A. Yes, sir; two years and a half.

Q. He is the brother of Sheriff James O'Brien, isn't h
and so.

Q. What was the next removal that was made?
resignation of Charles W. Dayton.

Q. You say request for resignation? A. Yes, sir.

Q. Then these resignations were made on request,
, sir.

By Senator FASSETT:

All of them? A. Most of them; some of them go

By Mr. IVINS:

Who is Charles W. Dayton? A. Ex-member of th
Charles W. Dayton is a member of this bar, is
ve so.

When was Mr. Colby asked to resign? A. I thin
1889; I want to remark right here that in the pers
I omitted the counsel to the board at a salary of
erk at a salary of $2,500.

y Senator FASSETT:

the report? A. Counsel at $5,000, and law clerk

low rapidly, as nearly as you can now recall, were these changes inspecting staff made? A. They extended over a period from 1889, until January of this year.

s it not a fact that all the appointments that have been made to ancies existing from resignation or otherwise, have been made bers of Tammany Hall since the time that you have been there? uldn't say.

IVINS.— I will supply the committee later on with the list of the committee of Tammany Hall and the list of the force of this which shows that about three-fourths of the employes of this are members of the Tammany Hall general committee.

tor FASSETT.— This is not a political board.

IVINS.— I do not know anything about the politics of the board. y want to show what the administration of that board has been cting the civil service laws and the employment of persons ndently of politics.

tor FASSETT.— They exercise full discretion in appointing— that ey have passed the examination.

WITNESS.— I understand they do.

tor FASSETT.— The mere passing doesn't entitle a man to be ted.

ow, these inspectors have a good deal of unoccupied time, don't Mr. Gale? A. They report at the board at 9 o'clock in the g.

Then do they report? A. From 9 until 9.30 or 10, and the are assigned to them, and at 12 or 12.30 they are supposed to heir different precincts with the staff of the office detailed there y.

re any inspectors detailed to do clerical work? A. Yes, sir; another clerk; there is another man, the stenographer, at that is a competitive examination; an engrossing clerk at s a competitive place.

ow are the clerks appointed; the stenographer and the engross- rk are appointed by competitive examination through the rvice board of the State? A. Yes, sir.

Who constitutes that civil service board? A. I do not know the rs.

eneral Sickles is one? A. Clarence B. Angle is one.

tor FASSETT.— Sickles isn't.

WITNESS.— Clarence B. Angle is the secretary.

Who is the examiner here? A. I do not know that, sir; we do any of the records of the examination whatever.

, sir, special inspections.

Q. Take your own case; you were transferred wher
ne in? A. Yes, sir.

Q. And what was your salary? A. Three thousand
nsferred to the position of special inspector.

Q. That was a much subordinate position, was i
ary, yes, sir.

. In importance, it is subordinate? A. Yes, sir.

. And in salary? A. Yes, sir.

One-half the salary? A. Yes, sir.

Was any complaint made of you by any one? A.
ny being made officially to the board.

Did the commission complain to you of inability
ur part to do the work? A. No, sir.

Do these inspectors have a button? A. They have
What is it like? A. I do not wear one myself; it i
badge with an eagle on the top, I think, with th
er at the bottom.

And where do they wear that? A. In different
knew there was any regularity.

s it exposed or concealed? A. It is generally conc
ut it is to show their authority when they are enga
department? A. Yes, sir.

there a newspaper — a special newspaper whic
ted by the board as the official paper of the depar
not to my knowledge.

you know of a resolution having been passed by
erence to the designation of a special

Q. And during those four months about half of the business of the board of the year is done? A. Yes; just about half.

Q. And during those four months is the entire force of the board pretty hard at work? A. As far as the clerical force is concerned, yes; as far as the inspectors are concerned, I have no means of knowing.

Q. If about half the work is done in four months, then there is about eight months in the year during which the inspectors would have correspondingly more time? A. Yes, sir.

Q. And during those months come in the important months of October and November? A. Yes, sir.

Q. Well, is this Narragansett club — it is something new to me — is this a political organization? A. I believe it is a social organization.

Q. Tammany was incorporated for social purposes; it is not then, ostensibly a political organization? A. I wouldn't state.

Q. You needn't answer, if you don't care to? A. The building is used as a headquarters for the Tammany Hall committee of the Nineteenth Assembly district.

Q. Is the Narragansett club really another name for the Tammany Hall general committee? A. No, sir; because a great many members are not members, and don't belong to the committee.

Q. But a great many of the committee belong to the Narragansett club? A. Yes, sir.

Q. The general committee is the executive committee of that organization, I suppose? A. To a certain extent, yes, sir.

Q. Did you join the Narragansett club on the advice of Mayor Grace? A. I did.

Q. Is he a member of the Narragansett club? A. No, sir.

Q. How do you account for Mayor Grace's interest in building up this Tammany organization? A. The means of accounting for it would be a personal matter, I think.

By Senator McNAUGHTON:

Q. You stated there were 8,085 licenses; how many of those are druggist's licenses? A. Senator, that all appears in the reports there, in the classification on the last page of the report.

Mr. BOARDMAN.— That has been put in evidence.

Mr. IVINS.— It shows how many of each?

The WITNESS.— I think it shows how many of each.

Q. You said there were 1,098 store licenses? A. That includes drug stores; yes, sir.

Q. And they have taken more pains to enlighten them? A. I think so; I think they have taken more pains to protect their parish.

Q. The policemen are furnished with a list of the places licensed in their beat? A. We do not furnish them; they take their records, as I understand it, from the licenses when issued; I can not go into the workings of that department, but I believe that each precinct has a list of all the saloons in their precinct with the licensee's name; it is no part of their duty; they take that from the licenses.

Q. You stated that the board depended upon the courts for complaints; how do the courts make complaints? A. No, sir; not for complaints but for convictions.

Q. It is the record of the conviction that you depend upon? A. Yes, sir; the record of the conviction.

Q. You described the hotel license as one class of license, a hotel that had fifty or more rooms with a café or restaurant; does it make any difference whether they have a café — simply serve meals? A. It was purely an arbitrary rule adopted by the former board of excise; the original idea was that a hotel having restaurant and café, regardless of the number of sleeping-rooms, was a first-class hotel; since then it has got to the point where we discriminate between the number of rooms, regardless of whether they have a café or not.

Q. When was that rule established? A. That was established in the fall of 1886, I think; a difference was made between first and second class hotels; it was made at the time the rate was raised.

Q. Eighteen hundred and eighty-six? A. Eighteen hundred and eighty-six or 1887; it was in effect after the rates were raised.

Q. Who inaugurated the system of newspaper clippings used as records, and how long since? A. That was inaugurated in 1886.

Q. Who devised it? A. I couldn't say where the idea originated; started by the commissioners.

By Mr. Boardman:

Q. Do you know who makes these badges? A. There were a lot made by the Poole Manufacturing Company; this last lot I do not know who made them.

Q. Who distributes the badges to the inspectors? A. The chief inspector.

Q. Who has custody of the badges? A. Those that are not in use?

Q. Yes. A. The cashier has them in the safe.

Q. Are any badges given to others than the chief inspectors? A. Why, there is a badge made and numbered for each inspector.

Q. And is that all you remember about this matter of blackmail, or using badges or representing the authority of the board in any way for the purpose of raising money; is that all you can recollect about it? A. Yes, sir.

By Mr. LEVENTRITT:

Q. You have spoken here of general protests which have been presented to the excise board by the Paulist fathers and others; will you tell us whether those protests have been observed? A. They have been.

Q. Were applications for licenses made in the district covered by these protests? A. There have been a great many.

Q. What disposition was made by the excise board of those? A. The application has been refused; in two or three cases where applications have been strenuously urged; the Paulist fathers have been notified and upon strengthening their protest, you may say, the application has been refused.

Q. Your attention has been called to the fact that upon the incoming of the present board of excise, there were certain changes made with reference to one of the rules — I think the third or fourth rule, by which that portion of the rule which related to the non-license of two adjacent places was stricken from the rule? A. Yes, sir.

Q. Your attention has been called to that fact? A. Yes, sir.

Q. Now, notwithstanding that change, will you state whether the number of licensed places for drinking has been increased or decreased under the present commissioners? A. Decreased.

Q. Was the number of places in the city of New York devoted to drinking purposes at the end of the year 1889 greater or less than at the close of the year 1888? A. The number of drinking places, where drinking on the premises was allowed, besides restaurants was less — decreased.

Q. They were less at the close of the year 1889 than they were at the close of the year 1888, notwithstanding that change in the rule? A. Yes, sir.

Senator FASSETT.— You refer, of course, to licensed places?

Mr. LEVENTRITT.— Yes, sir; licensed places.

Q. Now, did the new board in your experience, adhere to the rules which have been placed here in evidence; did they observe those rules strictly? A. Yes, sir; strictly; I think the rules have been observed by the present board of excise as much as by the former board.

A. It was, after a long hearing.

By Senator FASSETT:

Q. After what? A. After long hearing.

By Mr. LEVENTRITT:

Q. It was, you say, refused by the new board?

Q. You have stated that during a certain period
known as Clark's restaurant had no license; have yo

Q. Now, when was the license reissued, that is,
interim during which there was no license for that
licensed? A. Relicensed on May 4, 1889.

Q. By what board? A. The former board of exci

Q. Was that the last day on which the former boar
office? A. It was.

Q. It was relicensed then by the former board? A.

Q. Do you know what vote was on that? A. It was v
approved by Commissioners Von Glahn and And
er Woodman, at that time, had left the office.

nator FASSETT.— We asked Mr. Bishop to produce
g others were those books, B and C.

IVINS.— Book D was brought here.

y Mr. IVINS:

Just explain about the steamboat license, Mr. Gale
, the board adopted a resolution creating a new gra
as Grade 8, for steamboats to run for one year and
ayment of fifty dollars.

By Senator FASSETT:

Q. Is this steamboat license the same as a barge license; only one license; is that it? A. One license issued for one year.

Q. On one application? A. Yes, sir.

Q. And that is the uniform price? A. Yes, sir.

Q. No larger is asked or received? A. No, sir; and no less time.

By Mr. IVINS:

Q. What is the provision about two weeks license? A. There is no such license as that issued.

By Senator FASSETT:

Q. Senator Birkett speaks of a license for which some large sum of money is asked? A. No such license in New York.

Q. No permit from the police department? A. No, sir.

Q. If they get one you do not know where they get their permit? A. No, sir.

By Mr. IVINS:

Q. Record D is the record of the last series to date? A. Yes, sir.

Q. Now, in record A, which we had, we found on one of the pages a list of prominent and notorious places; has the keeping of such a list been complete? A. I do not know, sir; Mr. Hoyle, who has charge of that, has to enter it up in the usual manner; the index, I think, from that first book will show right there to any further reference to this place.

Q. What are the names of the special inspectors? A. There are twelve of them.

Q. Twelve? A. Twelve special inspectors.

Q. Which of those is the one who is most continually in the office, and which is the chief aid to the general inspector? A. The general inspector?

Q. Yes; the chief inspector, I should say? A. The deputy chief inspector.

Q. Does the deputy chief inspector have control of all the inspectors? A. No, sir; the deputy inspector acts on the absence of the chief inspector.

Q. The chief inspector has control of all the special inspectors? A. No, sir.

Q. Who does have control of all the special inspectors? A. The secretary.

Q. They are a sort of secretary's staff? A. Yes, sir; detailed to that work.

except Mark Lanagan's place, page 88; now, which
place? A. Sixty-seven James street.

Q. Who holds the license? A. There is no licens

Q. Do you know whether liquor is being sold n
an's place? A. I do not.

Q. Can you tell from any record in the office wh
f the place was made? A. There is an application
the office for that place.

Q. How long has that application been there? A.
onth; that is, between my desk and the commission

Q. Was the old license revoked, or did it expi
voked; revoked by the board, April 12, 1890, disorde

Q. The word "disorderly" here stands for the cau
s removed? A. Yes, sir.

Q. Now, where is the record of the trials kept?
t by General Inspector Dregg.

. And that shows all the trials? A. That shows
n complaints of revocation of license, upon protest
places, and in fact upon any complaint made by
he police.

How full is the record as shown by that book? A
lete — first the name of the complainant, the name
ame of the licensee, the date set for hearing, what
earing, whether it was adjourned, or whether the ca
losed, and the final action taken by the commissio
-if the license was revoked.

Have you a list of the witnesses? A. The list of t
d with the application, if

Mr. Ivins.— Well, Mr. Bishop, make a memorandum to bring the register of hearings to-morrow.

Senator Fassett.— That register of hearing is the stenographer's minutes of all the transactions of the meeting.

The Witness.— No, sir; the stenographer doesn't write out his notes except on request of counsel in some cases, and then only on payment of the fee which may be usual, so much a folio. The minutes are there; he is there to read them off every time. In very important cases the notes are transcribed, and then they go as part of the record of the case.

Senator Fassett.— It isn't any part of the stenographer's duty to keep a perpetual journal of what occurs at the business meeting of the board?

The Witness.— It would be an impossibility.

Adjourned to Thursday, May 22, 1890, at 11 A. M.

Thursday, *May* 22, 1890.

Present — Senators Fassett, Stewart and McNaughton.

George H. Gale, recalled, testified as follows:

Mr. Ivins.— If the committee please, I have asked the excise board to permit Mr. Gale to bring down with him the papers which refer to a number of the most recent cases in which licenses have been revoked either by the action of the board, or because of conviction of the licensee, and for the sale of liquor in which same premises new licenses have since been granted, as based on a bill of sale from the old licensee to the new licensee; these are the papers and I shall ask him to take them up in turn, because I shall ask the committee to go with some thoroughness into the matter of these bills of sale.

Q. Mr. Gale, I hand you application for license, Class 3, No. 9697; will you take that and explain to the committee what that means? A. It is an application made by Peter C. Jenson for premises 190 Greenwich street; new party, old place; application made April third.

Q. Now tell me first name of the old party? A. The former licensee of that place was Frederick Haremberg.

Q. Who is the present licensee? A. Peter C. Jensen.

Q. What does that record show as the reason of the revocation of the license of the old licensee? A. I find a memorandum attached which says: Frederick Haremberg, licensee, expires April 2, 1890, revoked by board March 31, 1890, disorderly.

Frederick G. Jensen to Frederi
latter, Frederick Haremberg, has sold and assigned
the stock of wines, spirituous and malt liquors an
fixtures and contents of the liquor saloon heretofore
said Haremberg at the premises known by the street
190 Greenwich street in the city of New York; t
goods, chattels, fittings, furniture, implements and
usiness in anywise belonging; acknowledging th
15,000 consideration money. That is acknowledged
H. Keller, notary public of Kings county, with ce
ew York. Accompanying that is this affidavit: "Cit
ew York, ss.: Peter C. Jensen being sworn says tha
. 15 East Broadway in the said city, and that he ha
nsideration purchased of Frederick Haremberg all
l interest in and to the business as heretofore carrie
188 and 190 Greenwich street; and that the said F
now and will not at any time during the period for
be granted, have any interest or share whatever i
ow proposed to be conducted at said place. Pe
rn to before me this 3d day of April, 1890. Char
e, notary public.

nator FASSETT.— Let me ask, is that affidavit a writte

. IVINS.— That is a written affidavit.

And it is made at whose request, Mr. Gale? A. The co

y Senator FASSETT:

Are they authorized by law to require such an affidav
the rules they make.

By Senator FASSETT:

Q. Do you know whether this affidavit is required by the board under some power given them by the law? A. Only under the general law that the commissioner shall be satisfied that the applicant is of good moral character, and to satisfy themselves that the former licensee has no interest in the place.

By Mr. IVINS:

Q. Accompanying the papers in this case, No. 9697, for the license to Jansen, is a document which is indorsed "Second precinct, board of excise; request for information; report upon inquiry from board of excise regarding Peter C. Jensen, 190 Greenwich street, April 3, 1890; forwarded to board of excise; William Murry, superintendent;" this being the report of the police; the document itself is a request from the board of excise to the board of police, signed by J. F. Bishop, secretary, and running as follows, and which can serve as a pat for the other cases of the same kind that arise: "The board of excise request that you will furnish them with such information as it may be in your power to give as to the reputation and character of the following named person and place; whether the place is or has been a resort for prostitutes, gamblers or thieves; if any part of the building is or has been occupied or used for immoral purposes, and whether you know of any reason why a license, Class 3, should not be granted to the person named; please answer the following questions; very respectfully, J. F. Bishop, secretary; name, Peter C. Jensen; place, 190 Greenwich street; is the above person of good moral character; yes; do you know of any reason why such person should not be licensed; no; is any part of these premises used for gambling or other immoral or unlawful purposes; no; has any part of these premises been so used before, and when; yes, see remarks; is any part of the building used as a resort for thieves, gamblers or prostitutes or for other or immoral purposes; no; has any part of the building been so used heretofore, and when; yes, heretofore; see remarks; do you know of any violation of law upon these premises now or heretofore; yes, heretofore; see remarks; do you know of any reason why said premises should not be licensed; no; remarks; on January 8, 1890, Charles Brady was arrested at 190 Greenwich street, for selling a Louisiana lottery ticket to John R. Collard, 205 West street, by Detective Flynn, of my command, and discharged in Special Sessions January 14, 1890; Charles Brady, 190 Greenwich, has since been convicted on complaint of Anthony Comstock, and sentenced to one year in the penitentiary for violation of policy law; at present there

dorsement of the police department on receipt of
time stamp, and a reference, "referred to the s
report, by order of the board, William H. Kip, chie
Q. I now hand you certain papers on an applic
Class 6, No. 6812, January 9, 1890; John Muller, p
venue; tell us from those papers the name of the la
ame place? A. The former licensee at that pl
chlon.
Q. Do those papers show that Michael Schlon's, lice
It was revoked December 31, 1889?
Q. By the board? A. By the board.
Q. Upon hearing, or upon conviction? A. By the b
minors.
Q. The record of that revocation, or the proceeding
n will be found on the stenographer's minutes of th
? A. Yes, sir.
. Is this application accompanied by a bill of sale
It was accompanied by a bill of sale; the bill of sal
he applicant January 22, 1890.
Is there anything now on record to show what the
at bill of sale was? A. No, sir.
Let us see the affidavit? [Witness produces pape
. IVINS.—The affidavit reads: "John Muller, being s
es at 816 Second avenue in said city; he has, for a
ation, purchased of Michael Schlon, all the rig
st heretofore held by him in and to the business,
Second avenue, by virtue of a license granted by
, expiring January, 1890; that he is not, nor will
for which

Q. Mr. Gildersleeve was the person before whom this taken? A. Yes, sir.

Q. And that is his signature? A. Yes, sir.

Q. Is this the form in which such affidavits are usually required to be made? A. It is.

Q. And in which such affidavits usually are made? A. Yes, sir.

Q. And this form of affidavit is exacted in all cases whatever? A. A similar form.

Q. Is this part of the form exacted in all cases whatever: "And that the said [ ] has not now nor will he at any time during the period for which license is asked, have any interest whatever in the business to be carried on in such place." A. It is sometimes simply that he has not now and will not have during the time for which the license is granted, any interest.

By Senator FASSETT:

Q. But it is required in all affidavits that he should swear that he has abandoned all interest permanently in the business while this license asked for endures? A. Yes, sir.

Senator FASSETT.—When was this license revoked.

Mr. IVINS.—It was revoked December 31, 1889.

Senator FASSETT.—And when was it renewed?

By Mr. IVINS:

Q. What is the renewal date? A. The new license was issued January 22, 1890.

Q. That is within the month? A. Within thirty days.

By Senator FASSETT:

Q. When were the police department notified? A. I have no means of telling that except by my letter book.

By Mr. IVINS:

Q. It does not appear that the police department was notified in this particular case? A. The minutes of notification are sent to the party and are also sent to the police; the letter copy of the police book will show that.

Mr. IVINS.—The inspector reported in this particular case that the former licensee was arrested for violation of the excise law, November 10, 1889; he was convicted of the violation of the excise law December 31, 1889, which is the date of the revocation of the license.

at no place." ... party; applicant wa

Q. What do those blue cross-marks mean? A.
first turned in to the chief inspector the reports a
inspector detailed for that purpose to note any om
out the papers, and those evidently refer to son
mission had been made and the paper is returne
or correction; the blue marks are left there as a
ffect.

Q. Now I hand you an application for a license; (
ll us who the new licensee is; who the old licen
ere was a bill of sale; what the consideration was
ll of sale, and whether the usual affidavit was fill
plication of Martin Potter, saloon license, 842 First
Q. Tell from that paper if you can the address of
well as the address of the new licensee? A. Martin
East Fifty-eighth street; the former licensee
loney; the former licensee was convicted March 1
ion in Special Sessions; the bill of sale is filed f
oney.

By Senator FASSETT:

What was he convicted of? A. Of selling liquor t
of sale is from Patrick J. Maloney to Martin Potter,
890; the usual affidavit is filed, signed by Martin Po
When was the new license issued? A. The new
d March 24, 1890.

By Mr. IVINS:

Any consideration named in the bill of ...

Senator FASSETT.—Mr. Bishop, would it take long to get the police letter-copy book here?

Mr. BISHOP.—No.

Senator FASSETT.—I wish you would send for it. We would like to have it to certify some dates.

By Mr. IVINS:

Q. Give us the name of the new licensee with his address? A. His residence or store address?

Q. Both? A. Jacob O. Leffler, saloon 641 East Twelfth street, resides at 1015 Lexington avenue.

Q. The name of the old licensee? A. Sylvester J. Russell.

Q. Date of revocation? A. Revoked by conviction in Special Sessions, November 27, 1889.

Q. And for what was he convicted? A. Selling to minor.

Q. Were the police notified? A. They were.

Q. What was the date of that notification? A. I am unable to state until the police letter book is here.

Q. Is there a police report? A. There is not.

Q. Is there a bill of sale? A. There is.

Q. From the late licensee to the new licensee? A. From the late licensee to the new licensee.

Q. What is the date? A. December 27, 1889.

Q. What did you say was the date of revocation? A. November twenty-seventh.

Q. What consideration is expressed in the bill of sale? A. One dollar.

By Senator FASSETT:

Q. Anything else? A. One dollar lawful money.

By Mr. IVINS:

Q. Does it say there, "good and valuable consideration?" A. No, sir.

Q. Would the fact that one dollar was expressed as the consideration without reference to anything else be regarded in the department as evidence of bad faith in the assignment or sale? A. I can't say that it would.

Q. Is the usual affidavit filed? A. It is.

Q. Taken before whom? A. William H. Drake, notary public, New York county.

Q. Who is Mr. Drake? A. I don't know the party.

...ence is not given.

Q. Date of revocation? A. Revoked by convi...

...ssions, March 20, 1890.

Q. Conviction for what? A. Charged with selling ...

...ice.

Q. Is there a report of the police accompanying the ...

...ere is not.

Q. Anything on the papers to show that it was r...

...ice? A. No, sir.

Q. Is there a bill of sale from the old licensee to the ...

The bill of sale was filed from Joseph Lustig to Chr...

What consideration? A. One thousand five hundr...

The usual affidavit filed? A. It is.

Application for a license, Class 3, No. 9369? A. A...

...in Godfrey; place, 152 West One Hundred and T...

...; Mr. Godfrey resides at 157 East One Hundred and ...

Prior licensee and his address? A. Charles Schirm...

Where does he reside? A. Residence not given.

Did you give the date of this new license? A. No, ...

When did the old license expire, or when was it re...

...ed by conviction in Special Sessions, March 2, 1890.

...onviction for what? A. Not stated.

...there any report of the board of police? A. There...

...nything on these papers to show that there was a ...

...e is not.

...ll of sale from the old licensee to the new licensee?

...ything to show that it h...

applicant for a license at the premises 152 West One Hundred and Twenty-fourth street; that the said place is now vacant, and deponent has hired the same from the landlord, G. Keeney, Jr., the former licensee of said premises; that said licensee has now no interest whatever in said place or the business to be therein conducted by deponent. Sworn to before me this 31st day of March, 1890. Martin Godfrey. John F. Quinn, commissioner of deeds." I find here, also, a special report which states, referring to Charles Schirmister, 152 West One Hundred and Twenty-fourth street, license, Class 3, which would expire November 26, 1890, revoked by the board March 29, 1890; "having made a special investigation in this case as directed, I hereby report that I visited the above place March 29, 1890, and saw Mr. Schirmister in the store, informing him that his license was revoked by the excise board; Mr. Schirmister answered me that he would come before the board this morning with his lawyer; the place is closed; the fixtures removed; Francis Deconia, inspector, thirtieth precinct."

Q. Application for license, third class, No. 9,854? A. Applicant Patrick Greenan, place 434 Third avenue, resides 515 Third avenue; the former licensee was Patrick H. Barry; residence not given.

Q. Date of the new license? A. New license issued April 10, 1890.

Q. Date of revocation of the old license? A. Revoked by conviction in General Sessions, April 7, 1890.

Q. Conviction for what? A. Case not stated.

By Senator Fassett:

Q. Haven't you any record? A. We would have one, of conviction slips.

By Mr. Ivins:

Q. Was that referred to the police? A. It was not.

Q. Any report of police? A. There is not.

Q. Bill of sale? A. The bill of sale filed April 10, 1890; bill of sale returned to P. Greenan, May 7, 1890.

Q. Anything to show the consideration? A. There is not.

Q. The usual affidavit? A. It is.

Q. Sworn to before whom? A. John F. Quinn, commissioner of deeds.

Q. Application for license, Class 3, No. 11198? A. Applicant, Robert Parke, at 18 Sixth avenue; residence at 7 Jones street.

Q. Old licensee? A. Former licensee, Thomas Gallagher; license would expire April 30, 1890; revoked by the board April 29, 1890.

Q. Is that bill of sale on file? A. That bill of s
Charles H. Parke to Robert Parke, dated April 18, 1
Q. What consideration? A. Two thousand five h
Q. The name of the witness to the bill of sale?
Fenriques.
Q. The name of the notary? A. Anthony J. Donne
Q. That is on the bill of sale? A. Yes.
Q. What consideration is expressed? A. Two thouss
llars.
Q. The affidavit filed in the usual form? A. It is.
Q. Read that affidavit? A. [Reading]: "City and
ck, ss.: Robert Parke, being duly sworn, says th
7 Jones street in said city; deponent further say
owner of the business at No. 18 Sixth avenue in
was not interested in any way in said business at sa
he 28th day of April, 1890; sworn to before me, o
April, 1890; Peter B. Brady, commissioner of deeds.
Who drew that affidavit? A. I can not say.
Who is Peter B. Brady? A. Law clerk of the boa
Do you know the signature of Peter B. Brady, wh
e board? A. Not to swear to it.
Ivins.— Can you identify that signature of Peter I
p?
Bishop.— Yes; that is his signature.
n whose handwriting is the body of that affidavit;
hers, is it not? A. No, sir.
This is materially different from some of the affidavi
, sir.

Q. Who examines these affidavits? A. They are generally examined by either the secretary, assistant secretary or myself.

Q. Who passes upon their sufficiency? A. The commissioners.

Q. You have attended the commissioners' meeting, you say? A. I have.

Q. And it is customary for the commissioners to go through all the papers on each application; all the papers accompanying the application, at the time the license is issued? A. I wouldn't say yes to that.

Q. From whom is the bill of sale in this case? A. The bill of sale is from Charles H. Parke.

Q. Is there anything to show the assignment by the former licensee to said Parke? A. There is not.

Q. Is there anything on the papers to show that there was any such evidence before the department? A. There is not.

Q. Is there anything on those papers to show there was any evidence before the department, proving that Charles H. Parke, the vendor or assignor, had any right, title or interest in the property to sell or assign? A. There was not, except the mere giving of the bill of sale.

Q. Is it customary for the department, in a case of that kind, to take any steps to see whether the alleged vendor really has any property to sell; in other words, is any examination of the title of the seller made in any way? A. My impression in this case is that there was; that the applicant came to the board and explained personally.

Q. Is it customary, in cases of that kind, to have the applicant come before the board and explain? A. Where there is any doubt it is, or any question in regard to the issuing of the license.

Q. Let us assume this case, that I had been a licensee, and that my license had been revoked, and that Mr. Bishop were the applicant for a new license; that Mr. Bishop proved his interest in the premises by producing a bill of sale drawn by you to him, and there was no evidence before the board of how you came into the title; what would be done by the board in such case prior to the license in regard to this question of the bona fides of the assignment and the actual rights acquired by the vendee seeking the license? A. I think Mr. Bishop would undoubtedly be sent for and be requested to explain how it occurred that the bill of sale was not from the former licensee.

Q. That would be the usual course? A. Yes, sir.

Q. Applicant for license, Class 3, No. 11355? A. The applicant is Thomas Fitzgerald, place 136, Avenue D; the applicant resides at No. 134 Avenue D; the former licensee was Charles J. Geisendorfer.

report of the police? A. There is not.
Q. Anything to show a reference? A. There is n
Q. The usual bill of sale from the former lice
licensee? A. Yes, sir.
Q. Is that bill of sale among the papers? A. It is
Q. What is the consideration expressed? A. One t
Q. What is the name of the witness? A. Andrew
Q. What is the name of the notary who took the ac
Andrew J. Ganz, commissioner of deeds.
Q. New York or Kings? A. New York.
Q. The usual affidavit filed? A. It is.
Mr. IVINS.—The affidavit in this case reads: "I a
oon premises No. 162 Avenue D in the city of Ne
uired same by purchase of one Charles J. Giesend
ale hereto appended, and am sole proprietor there
That was sworn to before Joe W. Swaine? A. It
Notary public, Kings county, certificate filed in New
es, sir.
Application for license, Class No. 4, No. 9393?
keeper's license, the licensee Hermann H. Banma
oe street; Mr. Banmann resides 90 Henry street.
What is the date of the new license? A. New li
2, 1890.
Date of revocation? A. Revoked by board for se
on 4D license, March 17, 1890.
ny reference to police? A. There is not.
ny report to police? A. There is not.
he usual bill of sale is filed? A. Yes, sir.
hat consideration?

which licenses may be granted have any interest or share whatever in the business as now proposed to be conducted at such place; that was taken before Charles E. Gildersleeve.

Q. License, Class 3, No. 8615? A. This is an application of Thomas Farrell, saloon license, 741 Third avenue; Farrell resides 304 West Thirty-seventh street; former licensee George McGovern, revoked by the board on March 15, 1890.

Q. Date of the new license? A. March 17, 1890.

Q. Cause of revocation? A. Selling on election day.

Q. Is that one of the election day cases now pending? A. It is not pending; it is settled.

Q. I mean is that one of the election day cases in which the former licensee has been indicted and whose case is now pending? A. I wouldn't say as to that; I don't know.

Q. Was that referred to the police? A. It was not.

Q. The usual bill of sale? A. The usual bill of sale.

Q. The consideration? A. One dollar and other good and lawful consideration.

Q. The name of the witness? A. Herman Secathe.

Q. The name of the notary who took the acknowledgment? A. The same; Herman Secathe, notary public, New York county.

Q. The usual affidavit? A. It is.

Q. Who took the affidavit? A. Sworn to before Thomas Hogan, commissioner of deeds.

Q. Application for license, Class 3, No. 8219? A. The applicant is Elizabeth Brown, premises 221 Lexington avenue; Elizabeth Brown resides at 221 Lexington avenue; new license issued March 10, 1890; former licensee William Brown.

Q. Place of residence? A. Not given for William Brown.

Q. Date of revocation? A. Revoked in Special Sessions, February 19, 1890.

Q. What cause? A. Not stated.

Q. Was that referred to the police? A. I will read this report.

Q. Read the report? A. [Reading.] "Having heard from former licensee that he was convicted and fined thirty dollars on February 19, 1890, in Special Sessions for violation of the Sunday law, I respectfully submit it; Henry W. Steffen, inspector."

Q. The bill of sale? A. The bill of sale was filed:

Q. Consideration? A. Twenty-five hundred dollars.

Q. The name of the witness? A. I give it up.

Q. The name of the notary? A. The same party.

Application for license, Class 3, No. 8851? A
nnie McKeon; place 83 West One Hundred and Tw
d No. 300 Lenox avenue.

Q. Old licensee? A. Former licensee, Arthur McK
neral Sessions, January 27, 1890; new license issued

Q. Cause of revocation? A. Sunday violation.

Q. The bill of sale is from Arthur McKeon to Annie
ration $1,000, Joseph P. Fallon, notary public; see
she resides at the same place as the assignor, Art
There is no means of telling on this paper the reside
eon.

Is the place at which she gives her residence the
r store as well? A. It is not.

It is not the premises? A. No, sir.

IVINS.—The affidavit of Annie McKeon is also t
h P. Fallon and recites that said Arthur McKeon
ll not, at any time for which a license has been aske
t or share whatever in the said business. It reci
a valuable consideration purchased of Arthur McK
itle and interest in and to the business as heretof
im at No. 300 Lenox avenue or No. 83 West One Hu
-fifth street.

pplication for license, Class 6, No. 8710? A. New
Reiser, premises 40 Carmine street, resides at the s
ense issued March 22, 1890; former licensee, Jac
ense was revoked by conviction in Special Sessio

what cause? A. Former license

The usual affidavit of the new licensee? A. It is.
Taken before whom? A. Charles E. Gildersleeve.
Application, Class 3, No. 8301? A. Licensee, Emma Mandle; 1760 Third avenue; resides at same place; former licensee, Picker, whose license was revoked by conviction in Special ions, February 19, 1890, for selling to minors.
Any reference to the police? A. There is not.
No report from the police? A. No report from the police.
The bill of sale recites what consideration? A. Five hundred ars.
Date of the bill of sale? A. The 25th day of February, 1890.
The name of the witness to the bill of sale? A. R. Vandam.
Name of the notary who took the acknowledgment of the bill of A. Raphael Vandam.
The usual affidavit of the new licensee? [Witness produces avit.]
r. Ivins.—This affidavit recites as follows: "This is to certify I have bought this day all the right, title and interest in that or store situated 1760 Third avenue in this city, and do hereby only declare that the former owner, Clara Picker, has no further est in the store. Signed, Emma Mandle, dated New York, Feb- y 26, 1890. Sworn to before me, this 26th day of February, 1890. rge H. Fahrbach, commissioner of deeds."
Is that an affidavit sufficient within the rule of requirement of oard of excise? A. In my judgment, it is.
Is there any reason within the rule of the board of excise of ever anding anything more in an affidavit than is stated there? A. nk not.
Would that affidavit put you on your inquiry because of its ? A. It would not.
It would pass muster at once.
nator Fassett.— Well, it did pass muster? A. It did pass muster?

By Mr. Ivins:

It did pass muster at once; now application for license, Class 3, 214? A. Applicant Patrick O'Reilly, premises 376 Cherry street.
Date? A. Date of new license, February 25, 1890; former licensee an O'Reilly; revoked by conviction in Special Sessions, February 890.
Cause of conviction? A. Minor case.
Date of bill of sale? A. Twenty-second day of February.
Consideration named in bill of sale? A. Three hundred dollars.

Q. Cause of revocation? A. Violation of Class 6.

Q. What does violation of Class 6 mean? A. Selling whisky or brandy on an ale, beer or wine license.

Q. Selling anything other than that which they are licensed to sell? A. Yes, sir.

Q. Any reference to the police? A. There is not.

Q. What is the date of the bill of sale? A. The bill of sale was filed January 29, 1890; the bill of sale was surrendered to the applicants January 30, 1890.

Q. Before whom was the affidavit of the new licensee taken? A. William Nagle, notary public.

Mr. Ivins.—This recites that the deponent further states that on the 21st day of January, 1890, he purchased said saloon from Paul Stolve, and that said Paul Stolve has no claim on said saloon.

Senator Fassett.—That does not quite cover the case of profits.

The Witness.—It says he is the sole owner.

By Mr. Ivins:

Q. License, Class 3, No. 8693, Michael S. Sharkey? A. Premises, 542 Second avenue; license issued March 11, 1890; former licensee, Michael Fitzpatrick; whose license was revoked by conviction in Special Sessions, February 3, 1890; bill of sale and affidavit both filed.

Q. What is the consideration in the bill of sale? A. Fifteen hundred dollars.

Q. The witness to the bill of sale? A. Charles M. Newberger.

Mr. Ivins.—He is also the notary public taking the acknowledgment. The affidavit recites that the said Michael Fitzpatrick has not now and will not have at any time during the period for which a license for the place may be granted any interest or share in said business. Signed, Michael F. Sharkey.

Q. Is there anything on that paper to show who Michael F. Sharkey is? A. He is the present applicant.

Q. Anything else? A. The present licensee.

Q. Anything to show that a report was made on Sharkey as to his moral character? A. [Reading.] "Upon diligent inquiry, I find the moral character and general reputation of the applicant to be good."

Q. Now what is said of his former calling? A. Applicant was formerly licensed for no other place; applicant was arrested for violation of the excise law, February 3, 1890, held in $100.

Q. Is it customary for the board of excise when they find that a party asking for a license was once arrested as bartender in violation of the excise law, and held in bail for $100 to take the position that

Q. How were these cases, were they picked u
A. Miscellaneously from the last lot.

Mr. IVINS.— These are the twenty last cases
parties to carry on the business in a place the lic
licensee of which has been revoked, either by the b
conviction. I would like to ask Mr. Bishop if he
turn to any letters in those books showing the r
cases to the police.

Senator FASSETT.— So as to give the date of notifi
ferent cases to the police department of these differe

Mr. IVINS.— Mr. Bishop says he has not been able
hese twenty yet, but we will have all these go out.
this: "Board of Police, Gentlemen: I am directed
xcise to request that you furnish this board as soon
ich information as your department may have, relat
ter and reputation of the premises. [
,] No. [,] new license in the name o
spectfully, James P. Bishop, secretary."

Senator MCNAUGHTON.— Is that a written or printed f

Mr. IVINS.— That is type-written.

he WITNESS.— That is not the form that is used in
cation. What you want to get at is the notice of
e same cases. That is not it.

r. BISHOP.— This is the style here [referring to book]

. IVINS.— This is the form of revocation. It is print
o it will copy: "Office of Board of Excise, 54 Bond s
wery, New York, January 8, 1890. Michael Scholes
e." That is one of the

Board of Police, Gentlemen: I am directed by the board of excise, to inform you that the license, Class 6, for No. 815 Second avenue, in the name of Michael Scholer, has been revoked. James F. Bishop, secretary, twenty-third precinct." The first form of letters which I read, was a request to the board of police, as we understand it, for information relative to the character and reputation then applying for a license.

The WITNESS.— Or else parties who were already licensed, and as to whom report had been made to the board unfavorably.

Q. So that in that latter case it is in the nature of a further inquiry? A. Yes, sir.

By Senator MCNAUGHTON:

Q. Mr. Gale, in this connection, under what rule of the board do you require that affidavit in regard to ownership? A. Simply the rule which demands that the commissioners shall be morally satisfied before they issue the license.

Q. That is not one of the written or printed rules? A. No, sir.

Q. Had the board this year adopted any new rules in regard to issuing licenses? A. No, sir.

Q. The rules in force last year are in force this year without any change? A. Yes, sir; there is one change in regard to putting a new place next door or adjoining a place already licensed, a new drinking place; that rule was rescinded.

Q. Aside from that there is no change? A. No change that I recollect.

Mr. IVINS.— The committee will easily recognize that out of these 8,800 odd licenses it is impossible to go through them all, but I have asked the board of excise to supply us with the inspector's reports in some thirty-five or thirty-six cases which I have picked out with the object in view of testing the thoroughness and reliability of the work of the inspectors in these particular cases.

Senator FASSETT.— And the cases selected cases.

Mr. IVINS.— They are selected cases that refer to places in regard to the character of which there is some testimony, I understand, forthcoming before this committee; and there are other cases in regard to the character of which I wish later on to prosecute an inquiry; for the purpose of laying a foundation for that I will take these up now and prove them by this witness and show the names of the licensees, the place licensed, and a summary of the report of the inspector together with the name of the inspector. Then I shall have to call each of the inspectors in these particular cases as the first witness in regard to the character of these places and the licensees.

...made for that
...ned, but I think this committee has a right practica
them. The evidence might be lacking in the future
if these are surrendered.

Senator FASSETT.—I do not think we had better su

Mr. IVINS.—I think we had better not.

Senator FASSETT.—I think we will probably fin
before the twenty-ninth of May or the first of June, an
we would surrender any particular paper that was wa

Mr. IVINS.—It is a matter of common rumor o
icensees may come and go but the place goes on for
ccomplished with the aid of bill of sale made in this
nd the place goes on and goes on and goes on. It is pa
ystem. It may be necessarily incident to the license
ct is that no matter what complaints are made,
voked but within a month or six weeks a new licen
may be the wife of the party, or sister, or a cousin
yone; it may be a brother; it may be a b
ace goes on, the same influences continu
out in and through the place as theretofore, and
cords of the board when we come to them will s
ces as having been actually shut up in perpetuity b
l character of the place; there are some to be sure,
some where the place has been so bad that the whol
risen against it, the press, bench and bar and minist
; those have been shut up.

he WITNESS.—There are some cases where the minister
t, too.

By Mr. IVINS...

Q. Who is Father Taylor? A. He is the Catholic clergyman on the west side; has a charge on Seventieth or Seventy-second street, I think.

Q. What others that you know of? A. There is a combination of clergymen in the twenty-third ward.

Q. Do you mean a combination or combine? A. Combine.

Senator FASSETT.—A theological combine is something new.

By Mr. IVINS:

Q. Who is at the head of that party? A. Well, they are all heads.

Q. Who is the principal man? A. I couldn't say who the principal is.

Q. Name several of them so we may be able to ask their assistance in this investigation? A. I could not give you the names from recollection; they are all entered on the protest book.

Q. Will you get the names from the protest book? A. I will.

By Senator MCNAUGHTON:

Q. What form of protest does that combine make? A. A general protest against licensing saloons in the ward; they request to be heard before new licenses are granted.

Q. Is it an association? A. I think not.

Q. Does it have a secretary? A. No, sir; not to my knowledge.

Q. Are you required to notify each one who is a member of that combination? A. We do.

Q. You have the name of each one of them? A. Yes, sir.

Q. Do I understand you to say that the Catholics are most vigilant in making protests; that the most numerous protests come from the Catholics? A. I think they do.

Q. But those protests in each case, whether Protestant or Catholic clergymen or citizens, are filed by the board, and attention is paid to them? A. Yes, sir; I never knew a case where attention was not paid to them.

By Senator FASSETT:

Q. Of course all places have not been shut up that protest has been made against.

By Senator MCNAUGHTON:

Q. One thing I would like to have cleared up while it is on my mind; Mr. Gale, I think you testified yesterday that this place of Clark's was licensed by the old board, May fourth? A. Yes, sir.

Q. When did the term of office of that board expire? A. The new commissioners came to the office of the board of excise on May 4, 1889, at about 11.15.

Q. How long had that been pending? A. I

By Senator McNaughton:

Q. Now, on page 5 of the report of the comm
1889, appears a paragraph in which the attentio
that, "while this report calls for twelve month
March and April were in charge of our prede
that should be April up to May fourth? A. Yes,
to May third; on May fourth there were papers s
by the two boards.

Q. Yes; I noticed the discrepancy; when, by l
life of excise commissioners end? A. The offici
stand it, is three years.

Q. And when does his term of office commer
after he is sworn in and makes his appearance in t

Q. Do they continue in office until their succes
A. They continue in office until their successors a

Q. Has there been an irregularity about appoi
that their terms of office ran over, lapsed? A. In tl
was; there was a long fight.

Q. Not since then? A. Not since then; at this
commissioners were appointed May fourth, the day

Q. The fiscal year ends May fourth? A. No; I
eports are made by custom inaugurated by the bo
eport to the mayor with the other heads of the d
xcise year runs from May first to April thirtieth;
ght months they have taken four months of one yea
another and put them together.

By Mr. J

Mr. Ivins.—Inspector reports Adam Gande, 129 Eighth street; the person above named is of good moral character. Do you know of any reason why such person should not be licensed? No. Any part of the premises used for gambling, or other unlawful or immoral purposes? No. Any part of the premises been so used heretofore? No. Any part of the premises used as a resort for thieves? No. Any part of the building been so used heretofore? No. Do you know of any violation of law now or heretofore? Yes; violation of the excise law about four or five years ago. Do you know any reason why said premises should not be licensed? No. The applicant, Adam Gande, is a reputable citizen, conducts his place in a quiet and lawful manner; said place is frequented by a respectable class of people. The inspector, Edward W. Hart, who reports that the applicant is of good moral character and general reputation. He was formerly licensed for four years, 23 Astor place. His license has not been revoked. The applicant has been licensed for this place for eight years past. This inspector's reports show that the place is on Eighth street, between Broadway and Fourth avenue, on the north side of the street, and there are five other places on the same block, one place immediately opposite, on the corner, 754 and 752 Broadway, and another place immediately opposite, on the corner of Eighth street and Fourth avenue, being the northeast corner.

Q. Application, Class 3, No. 5816? A. There is an application by Jacob Blank for premises No. 100 Third avenue, 134 and 136 East Thirteenth street, renewal of an existing license; old license expires December 9, 1889.

Mr. Ivins.—Report of good character, and that the applicant has been licensed at this place from 1859. The inspector is Samuel Rausch. His information was received from the applicant and personal inspection. His remarks are that there is a concert license issued to Jacob Blank, which expires December 30, 1889. The date is taken from the license. The former licensee of the place was Frank Dolger.

Q. Was there any reference to the police in that case? A. There was not.

Q. No report from the police? A. No report from the police.

Q. Application, Class 3, No. 6613? A. An application by Bertram Meyer; premises 207 Bowery; new party; former licensee was Rosalie Meyer, whose license expired January 13, 1890.

Q. Any reference to the police? A. There is.

Mr. Ivins.—This police report is signed by Captain Philip Cassidy, of eleventh precinct, and answers yes to the first question as to good

ruary 19, 1890.

Q. Report from the police? A. There is not.

Q. Was there a reference to the police? A. No,

Mr. IVINS.—The report is here signed by Insp
that the moral character and general reputation is
head of remarks that the bar is in the basement a
is on the first floor, "all drinks is brought up fr
Mayor's license, dated January 17, 1890, ending Ma

Senator FASSETT.—I suppose that singular stat
singular verb.

Q. Class 3, No. 2567? A. Application of Michae
1815 Park avenue, old number 313 Fourth avenu
saloon license which expired July 11, 1889.

Q. There appears here to be no report from th
nything here to show that there was a reference to t

Mr. IVINS.—This is signed by Joseph A. Flanly, i
haracter and general reputation of the applicant i
ood. The applicant was never arrested for violati
w. The bartender was arrested April 14, 1889,
he report was that there was never any conviction fo
e excise law. No bill of sale filed.

Q. Class 3, No. 815? A. This is an application by V
emises, 2387 Third avenue; renewal of Class 3 l
y 4, 1889.

Q. Any reference to the police? A. There is not.

Q. Any report from the police? A. There is not.

Mr. IVINS.—The report is also signed by Joseph A.
and reports the moral character

130 West One Hundred and Thirty-third street, renewal of a saloon license which expires June 11, 1889.

Q. Any reference to the police? A. There is not.

Q. Any report from the police? A. No, sir.

Mr. Ivins.—This report is signed by Lawrence Collins, inspector, and reports good on the moral character and general reputation of the applicant. The applicant was formerly licensed for twelve months, 1233 Broadway.

Q. That appears to be an entirely new place; is that the fact as shown? A. No, sir; it is a renewal of license.

A. To the same party? A. Yes, sir; to the same party.

Q. Class 3, No. 2170? A. An application of John Kelly, for premises 520 Sixth avenue; former licensee at that place was William Thorne, whose license expired July 2, 1889.

Q. Any reference to the police? A. No, sir.

Q. And no report? A. No, sir.

Q. What is that inspector's name? A. Leeman.

Mr. Ivins.—The report is signed by Thomas E. Leeman, inspector. Reports good on the moral character and general reputation of the applicant, and under the head of remarks, "Applicant had a sitting-room for ladies in the rear of the saloon, same as most other places in that locality."

Q. How long has that place been licensed, so far as it appears from that report? A. Ten years.

Q. How long had that party been licensee? A. A new party at that time.

Q. Class 2, 6638? A. Louis Kessler, premises 27 Bowery, a renewal of a hotel license which expired January 10, 1890.

Q. Any reference to the police? A. No, sir.

Q. Any report? A. No, sir.

Mr. Ivins.—It is signed by M. Haggerty, inspector of excise. Reports good on the moral character and general reputation of the applicant. Kitchen and dining-room are separate from the bar-room, also a register for guests. There is a partition between the concert hall and the bar, also a private entrance to concert hall. There is a license from the mayor, dated November 1, 1890.

Q. Do you know whether the examination made by the State Board of Civil Service Commissioners has any test in spelling? A. I think not.

Q. How long has that place been licensed? A. Since January 10, 1889.

long has this particular licensee
new party.

Q. No reference to the police? A. No, sir.

Q. And no report? A. No, sir.

Mr. Ivins.— The inspection was made by Edwa
has been made against this place, which was
Moral character and general reputation of the
good. The information was obtained from
personal inquiry.

Q. This is a new place? A. A new party.

Q. It appears that on the side of the street on
located there are now, from this map, seven licer
might explain, that is near the board of excise.

Q. On the opposite side, three licensed places;
board of excise is this? A. Same street.

Q. How many blocks away? A. The same block.

Q. The same block as the board of excise? A.

Q. Does the board of excise need as many place
or its own convenience?

Senator Fassett.— Perhaps this witness can not tes

Q. Class 3, 7164? A. Applicant William Bush, f
ast Thirteenth street; a new party; former licens
hich license expired February 5, 1890.

Q. Is it an old place? A. An old place; new party.

Q. How long has the place been licensed? A. The
nsed since 1884.

Is there any reference to the police? A. There i

r. Ivins.—This was referred to the police
ain John H. McC

Has any part of the building been so used before, and when? Not to my knowledge. Do you know of any violation of law upon these premises now or heretofore? Only as above stated. Do you know of any reason why the premises should not be licensed? I do not. The inspector is John J. Hart. He reports on the good moral character and general reputation of the party. There has never been any violation of the excise law. He has learned this from applicant and personal inspection. There are no record of any arrests on file in this office and no other remarks.

Q. Are these a part of the public documents of the office? A. They are part of the documents on file, always kept on file in the department.

Q. Open as any other documents are to public inspection? A. Yes, sir; on request.

By Senator Fassett:

Q. On request or on application of any citizen? A. Yes, sir.

By Mr. Ivins:

Q. No. 7896, Class 3? A. An application of John J. Murphy, of premises No. 69 Third avenue, a new party; the former licensee is Richard Lambert.

Q. How long has the place been licensed theretofore? A. Fifteen years, prior to the year 1889.

Q. Any reference to the police? A. There is.

Mr. Ivins.—The police report in this case is made by Captain John J. McCullogh, captain of the fourteenth precinct, who reports that he has made inquiry and can not find out whether the above-named person is of good moral character. He answers all the other questions in the negative. His remarks are: "I have made inquiry and can not find out whether applicant's character is good or not." Samuel Rausch signs the inspector's report. He reports it to be of good moral character and of good reputation. He was a new party and has not been formerly licensed for any other place. He has not been arrested for violation of the excise law. He has discovered these facts from the applicant and personal investigation. Sixty-nine Third avenue is now occupied by families. There are three places on that side of the block, two places on the opposite side of the block, two places on the corners opposite on East Twelfth street, one place on the corner on East Eleventh street.

By Senator McNaughton:

Q. Mr. Gale, are there any documents in your department in the office of the commissioners that are not open to the public on request?

... the board of excise.

Q. In that connection, if an application was n
transcript of the stenographer's minutes, they could
on the payment of the fees? A. Yes, sir.

Q. The stenographer's minutes are not written ou
kept in stenographic form? A. They are simply ke

Q. Class 3, No. 1131? A. Application of John
premises 116 Bowery, a new party; former lice
Brennan; how long had that place been open before

Q. Any police reports? A. There is not.

Q. The report in this case was signed by John C. Su
sir.

Mr. Ivins.—The inspection was made by Lawrenc
reports the party to be of good moral character and
tion; that there have been no violations of the exci
makes no remarks.

Q. Class 3, 10659? A. Applicant, Frederick R
11 Bowery; renewal of license to same party, which e
8, 1890.

Q. How long has the place been licensed? A. Sixte

Q. Any police reports? A. There is not.

Mr. Ivins.—He is reported as being of good moral
neral reputation; reports no violation of the excise
cord of any arrests on file. No remarks.

Q. Class 3, 8432? A. An application by Joseph F. Du
mises 1341 Broadway; new party; former licensee, Eug

Q. Old place? A. Old place; been licensed fifteen ye

Q. Police reports? A. There is not.

Mr. Ivins.—The ...

moral character and general reputation good; applicant's bartender having been arrested and held in bail. There are two arrests of the bartenders; no arrest or conviction of the applicant. Reports that there is an election day complaint against the applicant.

Q. Do you know whether that is one of the complaints made on the violation of the laws on last election day? A. It is.

By Senator FASSETT:

Q. One of the Reform Club's complaints? A. Yes, sir.

By Mr. IVINS:

Q. Class 3, 3881? A. Application of Joseph Finnerty; premises 398 Eighth avenue; renewal of existing license, premises having been licensed for fifteen years.

Q. Any report from the police? A. There is not.

Mr. IVINS.—The report is good as to the moral character and general reputation. Reports the bartender as having been arrested and held in violation of the excise laws. Signed by James F. Seery, inspector.

Q. Class 3, 956? A. An application from Charles F. Appel for premises 426 Eighth avenue; renewal of a saloon license, which expires May 29, 1889; premises have been licensed since 1884.

Q. No police report? A. No police report.

Mr. IVINS.—Reports good moral character and general reputation; no violation of the excise law by applicant, but the bartender was arrested. No remarks. Patrick Logan, inspector.

Q. Class 3, 9361? A. Application of William J. Burn for premises 528 Eighth avenue; renewal of an existing license, which expires April 10, 1890; premises had been licensed for eighteen years; no police report.

Mr. IVINS.—No police report. Patrick F. Taintor, inspector, reports good moral character and general reputation, and no violations of the excise law. No remarks. This is a corner with three other places on the same side of the same block, and an opposite corner is also licensed. There is a school on the neighboring block.

Q. Class 3, 5010? A. Application of Patrick Smith for premises 640 Eighth avenue; new party; former licensee John O'Neill, whose license expired October 29, 1889; premises had been licensed for thirty years.

Q. Any police report? A. No police report.

Mr. IVINS.—The inspector is James S. Seery, who reports good moral character and general reputation; no violation of the excise law;

By Senator McNaughton:

Q. That refers to public school-houses? A. Tha
school-houses, and in reference to granting new pl
comes to the knowledge of tht board that a private s
is established, they will not license a new place.

By Mr. Ivins:

Q. Class 3, 5597? A. This is an application by Warr
premises 352 Eighth avenue; a new party; former lice
Areathgas.

Q. Any police report? A. No, sir.

Q. Was there a hearing in that case? A. Yes, sir.

Q. It was granted after a hearing? No, sir; the appli
moned for a violation of the excise law.

Q. What do the papers show as to the truth or falsity
f the excise law in that case? A. The case was dr
oard.

Q. What does that mean? A. Discontinued on the gr
lvice of counsel to the board that they had no case; th
violation of the excise law with which he was charged.

Q. Who was counsel to the board? A. Edward S. Bro
Mr. Ivins.— The inspector's report is signed by Patrick
reports good moral character and general reputat
ation of the excise law.

. Class 6, 3614? A. An application of Ernest Frede fo
Chrystie; renewal of license, which expires September
Any reference to the police? No, sir.
: Ivins.— The report of th

Mr. Ivins—A new party, but not a new place; it is to be assumed from this reference by the inspector that this is a place which holds a license from the mayor; that is reported specifically above.

Q. Eight thousand nine hundred and twenty-seven, Class 6? A. Application of Wilhelm Leith for premises 203 East Houston street; new party; former licensee, Emil Schwab, whose license expired March 1, 1890; no police report.

Q. How many licensed? A. The inspector has neglected to state; the applicant states that the premises have been licensed for eighteen years.

Mr. Ivins.—The inspector is Samuel Rausch, who reports good character and no violation. No record of any arrest on file in the office.

Q. Class 3, 5665? A. Applicant John F. Eager; premises 208 Bleecker street; new party; former licensee, Christian Wolfe; whose license expired November 12, 1889.

Q. Any police reference? A. No, sir; the place has been licensed twenty years.

Mr. Ivins.—The inspector is Lawrence Collins, who reports good character, etc., and no violations of the law. The church on one corner and this place on the other.

Q. Class 2, 9299? A. Hotel license issued Patrick J. Brogan, 2243 Third avenue; former licensee, J. J. Ryan, whose license expired May 18, 1890; premises licensed three years.

Q. Who was the inspector? A. Louis Mand.

Mr. Ivins.—Who reports good character; no violation of the excise law. There is a bar-room and sitting-room on the ground floor, hotel offices, sleeping-rooms on second floor, a balance of building used for hotel purposes; kitchen and dining-room on second floor.

Q. Class 3, 2088? A. Application of Christopher Nooney; premises 2102 Third avenue; former licensee, Patrick Mooney.

Q. The number of years have been licensed? A. Since August, 1888.

Q. Any police report? A. No, sir; there has been a revocation.

Q. A revocation? A. Yes, sir.

Q. Since? A. No, sir; the license of the former licensee was revoked.

Q. The bill of sale June 30, 1889, has never been claimed? A. No, sir.

Mr. Ivins.—This bill of sale was signed by Mary Ann Mooney and witnessed by Robert O'Burn. It runs in favor of Annie Mooney. The notary public is Robert O'Burn. Three thousand five hundred

she had sold all interest in the st
Third avenue in the city and county of New York,
for which she had delivered a bill of sale.

Q. Is that regarded a sufficient affidavit under t
board? A. Christopher Nooney must have mad
applicant.

Q. But Christopher Mooney is not the man?
Mooney.

Q. Annie Mooney sold out to Annie Nooney; M
sold out to Annie Nooney? A. Annie Nooney.

Q. Christopher made the affidavit; Christoph
evidently the party; Annie Mooney doesn't make a
see any conviction any way in the case; it is noted t
but I see no notice of a revocation on the paper.

Mr. Ivins.— Now, I would like to have Mr. Bisho
memorandum to look up the history of this case, salo
3, 2088.

Mr. Bishop.— Very well, I will look it up.

Q. Whose checks are those on it? A. There is
report other than the check of the inspector who exam

Mr. Ivins.— The report in this case is signed by
inspector. He reports no violation; good character;
at this time closed and no business was being carried
was made June 15, 1889, against the present licensee, P
or suffering his place to become disorderly; that on
obbery was committed on one Edward McCue while at

Q. Class 3, 6135? A. John Pomeroy, 2133 Third a
xpires December 21, 1889; no police report; D
spector.

Q. Class 3, 11385? A. Applicant William F. Mulhelly; premises 418 Eighth avenue; new party; former licensee, George C. Michell; whose license expires June 5, 1890; premises licensed since 1870; no police reports.

Mr. Ivins.—James S. Seery, inspector, reports good character and no violation of the law.

Q. Class 3, 4610? A. Fritz Kuencke, 389 Sixth avenue; renewal of a license which expires October 26, 1889; premises licenses three years; no police reports.

Mr. Ivins.—No police report; Thomas E. Leeman, inspector, reports good character and no violations.

Q. Class 3, 8989? A. William Eiseman; premises 294 Bowery; renewal of a license which expires April seventh; see attached memorandum; this report says that this place has already earned a reputation equal only to McGlory's; there was a general fight there January 9, 1890; there is reference to scrap book A and also to scrap book—

Q. Who makes the memorandum? A. That is a memorandum of Special Inspector Hoyle.

Q. Who was the predecessor? A. This is a renewal of a license which expires April 7, 1890; the former licensee was the same party, Charles Eiseman.

Q. This is William Eiseman? A. Well, the former licensee was Charles Eiseman.

Q. This Charles Eiseman was ex-Assemblyman Eiseman? A. I don't know what it is.

Mr. Ivins.—The police report is signed by William Meakim, captain of the tenth precinct who reports that the party is of good moral character. Do you know of any reason why the said premises should not be licensed? No. Is any part of these premises used for gambling or for any other immoral or unlawful purposes? No. Any part of the premises so used heretofore? No. Any part of the premises used as a resort for gambling, thieves or prostitutes or other immoral purposes? No. Any part of the premises so used heretofore? No. Do you know of any violation of law on these premises? No. Do you know of any reason why the premises should not be licensed? No. Lawrence F. Collins was the inspector. He reports good moral character and general reputation, and no violation of the excise law. There seems to be some discrepancy between memorandum made by Special Inspector Hoyle and the report of the police captain.

Q. What is the source of that special inspector's information and upon which he bases that? A. Newspapers.

headquarters is this? A. It is quite a distance; fo

Senator FASSETT.— We will now adjourn till half-pa

THURSDAY AFTERNOON, AT 2.15 O'CLOCK.

GEORGE H. GALE, recalled:

By Senator MCNAUGHTON:

Q. I understood you last night to testify, Mr. Gale given testimony of the number of druggists' licenses is sir; I said you would find them on that report.

Q. Will you please find what part of the report they is divided under wholesale and retail liquor dealers, e middle column.

Q. Is there any variation in the cost of druggist's licen sir; depending altogether on the account of sales; a application for license always requires an affidavit as t of sales; in case of renewal, as to the amount of sales t year; in a new place, the amount of stock he is to carry stimates the sales will be in quantities less than five g ve gallons, we have no jurisdiction.

Q. Does it ever occur to your department, or has it bee hat licenses for druggists should be separate for store ifferent class of licenses? A. There is nothing to preven om having any of the other class of licenses outside of umber of druggists have a full saloon license.

Q. How many are there of that number? A. I recall mediate neigborhood.

Q. And where they sell by the glass? Q. And where th glass to be drank on the premises

By Senator McNaughton:

Q. Do you think there are more than two in this city? A. I think there may be four or five; I know of two right here.

By Mr. Leventritt:

Q. Mr. Gale, you stated yesterday that the number of licenses outstanding during the year 1889 was less than the number outstanding during the year 1888, did you not? A. The number of licenses that permitted drinking on the premises.

Q. Was the revenue derived from the issuing of licenses greater in 1888 than in 1889? A. Greater in 1889.

Q. Can you tell what the revenue derived from that source was during the last three years? A. I can by referring to the annual reports.

Mr. Ivins.—I will put that all in.

Q. Will you state the figures for those three years respectively? A. Total receipts for the year ending December 31, 1887, from all sources was $1,186,730; the year ending December 31, 1888, the total receipts were $1,430,420; for the year ending December 31, 1889, $1,442,770.

Q. Will you explain how it is that the number of licenses in certain respects, at least, being less in number than in 1889 than in 1888, yet the income was larger? A. It was due to the increased number of storekeeper's licenses issued, not permitting the sale of liquors to be drunk on the premises; places which had heretofore sold without licenses, or not knowing that they were required to take out one; the exertion of the board bringing them in and forcing them to take out licenses; also the revocation of licenses and the issuing of new license on that place.

Q. The revocation of licenses is a source of increased income? A. It is if a place is relicensed.

Q. That is, a revocation of the license works a forfeiture of the license together with the entire fee paid for the year? A. Yes, sir; it does.

Q. And if the place is then relicensed, the party obtaining the new license pays for the year commencing with the date of the issuance of that license? A. Pays for the full year.

Q. Now, have all the inspectors in the employ of the excise department passed the State Civil Service examination? A. They have to the best of my knowledge.

Q. Do you know of places, in your experience with the excise board, which had been characterized as disreputable or disorderly which

disclaimer of ownership, there is nothing in th
board of excise to exact these papers from any
think not.

Q. Is it not a mere precaution by the board to p
A. It is to the best of my belief.

Senator FASSETT.—I do not suppose there is any
that method prevent imposition?

Mr. LEVENTRITT.—It retards it. The purpose is to
Q. It is a method, a system, adopted by the comm
conduct of the business of the office, is it not, withou
by law to pursue that course? A. Yes, sir.

Q. Now, is there any requirement of the law to
imposing upon the commissioners the necessity of
police department, or requiring reports from the poli
A. There is not.

Q. That is a mere introduction of a system in the
board of excise, is it not? A. Yes, sir.

Q. As I understand you the reason of the variance
f these different affidavits, is owing to the fact tha
rinted form? A. There is no printed form; these affida
y different lawyers or notaries.

Q. And that accounts for the difference in the langua
the affidavits as they were read here this morning.
Yes, sir.

By Senator FASSETT:

. Is there any requirement in the rules of the commiss
inspectors shall not be interested in
ated in

Q. In regard to the clerks? A. In regard to the clerks.

Q. And the law of course does not require any such statement of qualification in reference to the excise commissioners themselves? A. I think each of the employes has filed within the last twenty-four hours an affidavit to comply with the new law passed.

Mr. Ivins.— When did that law go into effect?

Senator Fassett.— That law goes into effect Thursday at midnight, that is, to-day; it went into effect when it passed; it went into effect immediately upon the Governor's signature, but the affidavits are required to be filed sometime to-day.

Mr. Ivins.— What does that affidavit require?

Senator Fassett.— My recollection is a little shadowy, but I think it requires that they have no interest directly or indirectly in the liquor business.

Mr. Leventritt.— In the manufacture, sale or distribution of it.

Q. I understand you stated this morning that all the papers and documents you produced this morning are open to the public for inspection at any moment? A. Yes, sir.

Q. Without any fee? A. Without any fee whatever.

By Senator Fassett:

Q. Where complaints have been made before the excise commissioners in writing, are those complaints open to inspection? A. They are.

Q. Even though made to an individual member of the board? A. Well, I won't say that, because an individual member of the board might put the complaint in his pocket, but a complaint which has once been brought before the board for action is always open to inspection.

Q. Is it the practice after a complaint has once been made before the board, when the case is taken up for investigation, to proceed with the same without giving notice to the complainants? A. No, sir.

Q. What was the custom or is the custom? A. The custom is usually to give from forty-eight hours to a week's notice; printed notices are sent — a press copy is kept — to each of the complainants and to the defendant.

Q. If there are any cases in which the matter was gone into without giving notice to the complainants, they would be exceptional cases? A. Yes, sir; decidedly.

Q. To be explained by exceptional reasons, if at all, probably? A. Yes, sir.

been a rule to leave them generally to the discretion
unless in some particular case where from the nature
cation, it is referred to the commissioners, etc.

Q. Do you keep any record in your office, which is
reasons for revocations of licenses; as, for instance, s
or for violating the Sunday law, or anything of that kin

Q. I wish you would produce that record, say for two
and 1888, showing the reasons for which licenses were

Mr. LEVENTRITT.—I desire to state to the committee an
have been called into the trial of a case and my friend
indly consented to represent me while I am away from

Mr. IVINS.—I now offer the reports of the board for
nd 1888; they become part of the minutes; 1889 is alr
[Said reports were remarked Exhibits 1 and 2, of May
ill be found at the end of to-day's proceedings.]

JAMES F. BISHOP being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Bishop, you are the secretary of the board of
s, sir.

Q. And how long have you been such? A. Since May
Q. Who appointed you? A. The board of commissione
Q. Who recommended you for appointment? A. To th
Q. Who nominated you? A. I was sent by the Ho
ker.

What do you mean by being sent? A. You asked wh

Well? A. The Hon. Richard

Q. Where? A. In Harlem, One Hundred and Twenty-third street and Lexington avenue.

Q. Had you ever had any experience in public office before? A. No, sir.

Q. Did you have to pass any examination of any kind? A. No, sir.

Q. Were you submitted to any examination of any kind? A. No, sir.

Q. Do you know whether the board made any inquiries other than referred to your application papers and the indorsement contained therein, as to your qualifications for the office? A. No, sir.

Q. Are you a member of the Tammany Hall general committee in your district? A. Yes, sir.

Q. How long have you been a member of it? A. A number of years.

Q. What is the salary of the office? A. Three thousand dollars a year.

Q. Who is your predecessor? A. Mr. Gale.

Q. The witness? A. Yes, sir.

Q. What does Mr. Gale do now? A. Well, he takes charge of the protests and looks after the applications as they are ready to be handed to the secretary, so as to submit them to the commissioners to be acted upon.

Q. Does he do any of the work that he used to do as secretary? A. No, sir.

Q. Describe the duties of the secretary? A. It is to attend to the general public that comes there for information, something like 50,000 people a year; answer all communications addressed to the board; keep a copy of information for different grades of licenses; signing the licenses with the commissioners, also the application; and look after the details in general of the office.

Q. You are the executive head of the office, are you not? A. Yes, sir.

Q. What do you have to say or do about the organization of the office, and the duties of the officers? A. The commissioners hold me responsible for all their acts; that is to say, that they attend to their duties in the different departments.

Q. Are you personally acquainted with everybody in the department? A. Yes, sir.

Q. Are you personally acquainted with the duties of everybody in the department? A. Yes, sir.

Q. What steps do you take to see that they perform their duties? A. Well, I generally go around, and if anything is called to my notice, I investigate and have it explained to me satisfactorily.

would go to a certain department, and the g
had charge of that, and ask for an explanation.
Q. Suppose that an inspector were not to appear fo
would you know it? A. By the chief inspector, who
would report the man.
Q. Is he expected to keep a time book? A. No; I can
Q. Suppose an inspector were habitually not to appea
until half-past 11 or 12 o'clock in the morning; how wo
? A. Only by the chief inspector reporting the m
less I call the roll.
Q. Then you hold the chief inspector responsible fo
rk of the other inspectors? A. That is the regular in
specials; they are in the office, where the secretary i
rical work.
. You have how many of those? A. I think there are
. Doing clerical work? A. Yes.
Why are they called special inspectors, if they do cle
Well, the commissioners use them to make special repo
inspector made a report on a place, and the commi
think it was in proper shape, they would send up a spe
o report on that place again, so as to corroborate the f
and make him show it was all right.
Does that work keep these special inspectors co
oyed? A. No, sir; there are not many cases in that w
Half a dozen a week? A. Well, about that average.
What do the special inspectors do, except when th
yed? A. Well, one takes charge of the precinct boo
up the bonds; one has charge of the revoked licenses
harge of the record

Q. During how long is this? A. From I think about the fifteenth or twelfth of April up to the present time.

Q. I do not understand you then; you say they have put in a month and two days overtime; how do you mean? A. By figuring the hours of staying after 4 o'clock to 7.

Q. Calling eight hours a day's time, they have put in time sufficient to make a month and three days extra? A. That is it.

By Mr. Ivins:

Q. Is it a month and three days extra, or is it three days extra? A. A month and two days extra, I think I said.

Q. Which is extra, the month and two days, or only the two days? A. The month and two days.

Q. And this is since when? A. They were figuring it up the other day, their overtime.

Q. Since when? A. I do not remember now; I think it is since four or five months back.

Q. Running through a period of four months? A. Yes.

Q. Who are those three men? A. There is Mr. Pruyn, Mr. Hoyle and Mr. Gale and myself.

Q. What particular duties does Mr. Pruyn have? A. He enters up on books where a gentleman has been licensed, the name, and finds out if that name would have two licenses in the city; that is, in the same name.

Q. Is there any rule against licensing two places in one name? A. Yes, sir; there is a rule of the board; they won't permit that; that is, in the one name you understand.

Q. Do you know of any cases in which the same person really owns two or three different places, but where licenses are issued in different names? A. No, sir; not one.

Q. Have you ever heard of such a case? A. No, sir; I would have called the commissioners' attention to it if I did; it is a part of my duty.

Q. What does Mr. Hoyle do? A. He takes charge of the licenses that are revoked; that is, have a history of all the places, when they are arrested and committed.

Q. Is Mr. Hoyle well and accurately informed as to the history and antecedents of the most prominent places in the city? A. Yes, sir.

Q. So that Mr. Hoyle's judgment, or his knowledge as to whether a place was notorious or prominent with a history for disorderliness would be reliable and accurate as a rule? A. Yes, sir; he has a regular set of books, that there has not been a time I think that he would not have a history of.

...been any crime committed, he generally ...
it, so as to attract the commissioners' attention, a...
and the police report together when the applicatio...
them for consideration.

Q. Is Mr. Hoyle a member of Tammany Hall? ...
know, sir.

Q. Is Mr. Pruyn? A. I do not know.

Q. How does Mr. Pruyn spell his name? A. P-r-u-...

Q. Now, describe to the committee the way in whic...
he board are kept? A. That is, when the board i...
ecretary is out in another department, in another r...
verything that occurs in the board a stenographer ta...
inutes, and an application is passed, and is brought ...
d the secretary signs it; he enters it on his skeleto...
rough the regular channel, and then the next day the...
opied into the large minute book which you were lo...
other day; he keeps a record of everything that is ...
. The minute book then simply describes what is d...
icensing or not licensing places, by a recitation of th...
Yes, sir; that is, the minute book shows a record o...
ings in the board; when applications come they are...
ute book by numbers; of course, you have had a...
e you which shows how much writing there is on it;...
art of the minutes of the board, because every bi...
the application the commissioners are familiar with.
So that at a meeting of the board it would be repor...
having been called to order, and such members bei...
and so presiding, licenses such and such ...
were granted ...

Q. Now, tell what the board does in cases of complaints or protests, where a protest is made against the granting of the license, and second, where complaints are made for the purpose of securing a revocation of a license? A. Where a protest is made to the board of excise, it is generally made to the secretary; he looks it over and refers the matter to Mr. Gale; then it is put on a book that Mr. Gale keeps, and the case is set down for a hearing; all parties are notified to appear and the commissioners give a regular trial, and sometimes the parties are represented by counsel; that is the process.

Q. All parties are notified? A. Yes, sir.

Q. Take a specific case; you have, as secretary, knowledge of the Sixth Avenue Hotel case? A. Well, whereabouts on Sixth avenue?

Q. Forty-fourth or Forty-fifth street and Sixth avenue? A. Forty-fourth street and Sixth avenue.

Q. Forty-fourth street and Sixth avenue? A. I have only the knowledge that a reporter was at the office the other day asking about it; I believe I remember that the application — the license was granted; that is, it was granted before any protest was entered to the board of excise against it, and after it was granted a newspaper reporter called there and desired to see the commissioners; I presented him to the commissioners and they had a long talk; then they asked for the police report of the matter, which was presented to the reporter and he became perfectly satisfied.

Q. Do you know whether any complaint has been lodged against that place on Forty-fourth street and Sixth avenue? A. I could not tell you.

Q. Did you ever hear of Clark Bell? A. I met him one morning at the board of excise; I was cited to appear before the committee and I could not pay much attention to him, and I left him behind me at the office.

Q. I find a statement in one of the morning papers referring to that specific case, and it will answer as an illustration of the system.

[Mr. Ivins read the statement referred to, and the same will be found at the end of to-day's proceedings.]

Q. Now, do you know whether or not there were complaints filed by Mr. Clark Bell and others against this place, with the police, prior to the licensing? A. Well, I could not tell you that unless I looked in the protest books.

Q. Would your protest book show you that? A. The one that Mr. Gale keeps does, if such a protest came to the board.

Q. Would it show the protest made to the police department? A. No, sir.

A. Exactly.

Q. If nothing came in on that report, you would ha
discovering whether a protest had been made to the l
or not? A. No, sir.

Senator FASSETT.—This complaint in reference to the
license was already in existence, was it not?

Mr. IVINS.—No; in the first place, the complaint wa
police. Nevertheless, thereafter these places were lic
board of excise. It goes on to state, "Complaint was
excise board that the inspectors had been derelict in the

Q. Do you know of any such complaint having been
board of excise in the case of the Forty-fourth and
use? A. No, sir.

Q. "Yesterday thirty-five of the signers of the complai
naed to appear to give their testimony in the case;"
t? A. The morning I came down to the Senate co
rk Bell had a protest there with about thirty-five or
I submitted it to the commissioners, and they re
et it down for a hearing, and it was presented to M
pose, who has charge of the department, and he noti
estants to appear there for the trial.

Do you know whether he notified Mr. Bell? A. I
e who was on the protest.

Do you know whether Mr. Bell was one of the protes
not remember; I did not look it over sufficiently.

Has any time been fixed for the hearing? A. I beli
own for Wednesday morning.

For Wednesday morning? A. Well, I am not posit
I referred the matter [illegible]

Q. Anything that may serve to guide the commissioners in exercising proper judgment, is listened to and taken? A. By all means, they look for that all the time; they have cautioned me many times, when there was anything I could advise or give them in those cases, to submit it to them for their general information.

Q. Are there many hearings of this kind growing out of complaints or protests? A. I think we have, Tuesdays and Fridays, sometimes as many as seven or eight cases a day.

Q. Tuesdays and Fridays, are they trial days? A. Yes, sir.

Q. How much of the time of those two days do the commissioners devote to the conduct of these trials? A. Most all day; one month there was a complaint about the gas bill, which was twenty-one dollars for the month, and that gas was consumed by holding trials of the board during the month.

Q. During the winter? A. During the winter, and it was in cases of that kind.

Q. Both parties were given a full opportunity for a hearing? A. Yes, sir.

Q. How is the evidence or the testimony taken in those cases, and the record of it kept? A. By the stenographer.

Q. Is that testimony written out, or is it simply kept in the form of the stenographer's minutes? A. Kept in the form of the stenographer's minutes, in his original note books, and when the parties or counsel apply for the written minutes, he writes them out.

Q. Are those books filed as papers of the department? A. Yes, sir; always can get at them at any time.

Q. Properly numbered and dated and arranged? A. Yes, sir.

Q. Now, what is the duty of the chief inspector? A. The duty of the chief inspector is to look after all the other inspectors; that is all the other general inspectors who are not detailed for clerical work, and assign the applications to the inspectors to go around in the different precincts and hear all reports from them, and then have the papers brought into the secretary or Mr. Gale, and then they are submitted to the commissioners; he has charge of all the inspectors; that is, the general inspectors.

Q. What is the duty of the deputy chief inspector? A. He is there to assist the chief, and in the absence of the chief he takes charge of the department.

Q. What assistance does he render the chief so far as you know? A. Well, he is quite busy; all of those inspectors are coming in with papers, and to look for any errors and having papers put in regular

his name in full on the application; there is a place fo

Q. The communication is direct between the chief in
inspector himself in those records then? A. Yes, sir.

Q. Does the deputy chief inspector have to keep an
ind? A. Well, there is a large book there that when
returned it is entered on that book, and he looks a
ith the assistance of a clerk.

Q. Is he responsible for the filing of any papers?
ink not, unless he was holding the position of chief i
the chief.

Q. Well, acting as deputy, I mean? A. No, sir.

Q. Who is the clerk who assists him in keeping this par
He is an inspector; I think his name is Horan.

Q. Does that inspector inspect, or does he just act as c
that book? A. I think the chief could answer th
ember now; if I would look over the papers, I could t

What is that book called? A. It is called a book to
applications that have been sent out for inspection,
date that they were returned to the board of excise; f
spector went out to investigate a place, when he retur
r it is immediately stamped and entered upon that boo
in to the secretary's office.

I understand there are between eleven and twelve
cations in the course of a year? A. Yes, sir; all of tha
Let us assume that there are 12,000 applications in the
, and 300 working days in a year — that would be forty
a day? A. Yes, sir.

am leaving out the particular

Q. Consequently, it is a set of entries opposite the name of each application showing what has been done? A. That is, showing that the inspector has had it and acted upon it, and it is returned to the office and become part of the office.

Q. It is a check? A. Yes, sir.

Q. In the busy part of the year, there will be a hundred entries in that check book, checking off the papers? A. Well, I really never counted them, but about that.

Q. And during the less busy part of the year, fifteen or twenty; I understand you to say that the deputy chief inspector and one assistant keep that book? A. Yes, sir.

Q. Does it take the entire time of either one of them to keep that book? A. Well, they are required to be there all day to look after the inspectors coming and asking for information, etc.

Q. State what inspectors will ask for information about, assuming that the inspector knows his business? A. Well, I suppose he would come to report that he had called on a certain party and could not find him, that he was out of town, or was sick, and that he could not report upon that paper that day, and would return that paper to the chief, and I suppose the chief would hand him another paper.

Q. He does that to the chief? A. Yes, sir; I have been many times to call upon him for information.

Q. There are forty-nine actual inspectors? A. Yes, sir.

Q. Is it your judgment that the inspections of this department could be conducted by a smaller number of inspectors than that? A. Well, I really think not; they have plenty to do; they have to canvass the city from the Battery to Harlem, every saloon place in New York, to see that there are no places running with old licenses that we have not directed, and each inspector covers each district and makes a report.

Q. Let us see about that; how often do they do that; what does this canvassing consist of? A. We went over that when the new commissioners came in; it was last summer, during the time that they should have their vacation, and most every one of them worked and got that work up for the benefit of the commissioners, because it was a good check for the commissioners to know that there were any saloons in New York running with no licenses that they did not have a report of.

Q. That work was done thoroughly? A. Yes, sir.

Q. If it was done thoroughly, there was no necessity of doing it again? A. The commissioners thought it would be a good idea to do it twice a year.

specific object? A. Well, desired to know just what was going on in the

Q. They have not done it since then? A. they are preparing now to do it again.

Q. That entire job then was done during th Yes, sir.

Q. So that was off the hands of the inspectors

Q. Then they found themselves rather at liber October and November? A. Well, that I think can tell.

Q. They were rather free from the pressing general inspection of the entire city? A. Well, inspector could answer that, being the executive of many other details to look after, I did not pay— on the chief for those things.

By Senator FASSETT:

Q. The secretary is the chief executive officer of the sir.

By Mr. IVINS:

Q. When was that general inspection ended; whe losed up? A. I think it was about the latter part ot positive about that, but somewhere around there.

Q. And after that time, you as chief executive offi at the duties of inspectors would be in the regular us places seeking licenses? A. Yes, sir.

. And their time would only be occupied in th duty thereafter, unless

Q. That does not amount to a rule; it is rather unusual, is it not? A. I can not answer that.

Q. As a rule, you understand that the inspectors do their work by day; is it not the rule that the inspectors do their work by day? A. Yes, sir.

Q. Have you ever attended any meetings of the board where the subject of granting licenses has been under discussion, and as incident to its discussion, licenses have either been granted or refused? A. Yes, sir; many.

Q. What steps does the board take as a board for the purpose of advising itself as to the good moral character and general good repute of the applicant? A. Well, if they have any doubt they have the applicant appear before them.

Q. Does that occur with any frequency? A. I remember of several cases where parties were requested to appear before the board.

Q. By several cases, you mean how many; half a dozen or a score? A. Say half a dozen.

Q. That is out of more than 11,000 licenses granted last year. A. Yes, sir — 11,000 applications; many of those are rejected; there might be five people make application in one place, but if they were not the best kind of moral character, they would be outside.

Q. Eleven thousand applications? A. Yes.

Q. And the 11,000 necessary consequent inspections? A. Every one of them; yes, sir.

Q. Does the board in granting licenses take into consideration the fact of arrests of applicants for violation of the excise law, in case there has been no conviction? A. No, sir; they don't know anything about that.

Q. Are the arrests of persons for violation of the excise law, whether the licensee or his bartender or servant or employe, reported to the board? A. There is no way unless they would be taken out of the inspector; generally in those cases when a conviction is found in the courts —

Q. I am not talking about convictions; I am talking about arrests; assume that I had been arrested for violating the excise law and had given bail, and the next day repeated the offense, had been again arrested and given bail, and had then repeated the offense and had again been arrested and given bail, until I had tired the police out and I was up on four or five charges already, with a hundred dollar bail bond in each case; would those facts be reported by anyone to the board of excise? A. Unless a citizen made a complaint against that place; it would be set down for a hearing.

A. Well, I have been requested by the president
trict attorney's office and ask him, where complain
certain place, to have a conviction or dismissal m
what action the board should take; that is, in a
came and said, "This party is arrested for doing so
not been tried," the president directed me to se
attorney's office and ask what disposition was to be
of course they would answer which went on file.

Q. As to the granting of new licenses after a revo
ever known of the board refusing to grant a license
cant on the ground that the bill of sale was not bona
I can not charge my memory with it now, but I reme
dent Meakim was very severe, where he had the sli
there was anything wrong about an affidavit he wou

Q. President Meakim, by the way, has refused to
place which was next door to a place already licensed
took that stand in the board; he desired to carry that
the other commissioners thought differently.

Q. He has always refused to vote for licensing su
Yes, sir.

Q. The other commissioners not only changed the
oted for licensing such places? A. Yes, sir.

Q. So far as President Meakin is concerned he has b
the minority all the way through on that issue? A.

Q. In other words, he was in favor of continuing th
an of the board? A. Yes, sir.

Q. As to the policy of the board in regard to licensing
oximity of churches and schools

they had no objection to another one opening, but they did not desire to increase the number.

Q. The rule recites that a license shall not be issued for a new place adjoining or in the immediate vicinity of a church, school-house, hospital, asylum, etc.; what is meant by immediate vicinity? A. Well, about 200 or 275 feet, I think, is the limit.

Q. Do you know of any license having been granted within 275 feet of a church? A. I do not remember of any.

Q. Or of a school-house or hospital or asylum? A. The commissioners are very strict about that.

By Senator FASSETT:

Q. Does that 275 feet include across the street? A. Yes, sir.

Q. It means the distance in a circle? A. Taking from the party wall of the building of a school or church, and measuring to the party wall of the number of that place; I know sometimes they have very tall arguments about a foot or two feet.

Q. The principle is one of exact nicety of measurement?

Q. Which is it 250 or 275 feet? A. I think it is within 300 feet; I am not sure.

Q. Another rule of the board reads that no license will be granted without first notifying the landlord, etc. [reading]; what is done by the board in a case of that kind? A. What do you mean by "new saloon;" that is, one organized where there was another one before?

Q. I read the rule; what do you mean by it? A. A new saloon is a place where there was never a saloon before; that is, where there was none in existence; a renewal is granted for another year and would be for forty years, provided there was no complaint made against the licensee; but a new place is absolutely new—that never existed before; they have to close up an old place in the city somewhere.

Q. What is that? A. There has to be an old place closed up in the city before a new license can be granted.

Q. In order that there may be no increase in the total? A. This at it; yes, sir.

Q. But that wasn't my question; "Without first notifying the owner or landlord of the licensed place;" what kind of notice is given to the owner or landlord, and when is it given? A. I do not get your question.

Q. No license will be granted to a new saloon without first notifying the owner or landlord of the licensed place and giving him an opportunity to be heard? A. That means, in other words, the landlord's consent; he must certify that he agrees to allow spirituous liquors to

no such consent of the landlord b
cation, no license would be granted? A. I do n
no complaint is made?

Q. Suppose you owned the building and I wer
went to the board and made application for licen
about it? A. Couldn't get it.

Q. What would the board do? A. I would s
produce the landlord's consent before I would su
missioners, because that is one of the rules of the
have the landlord's consent in all cases.

Q. And if there be no landlord's consent, then t
its own weight, or the application? A. Yes, sir.

Q. Then what does this mean, "without first notif
landlord and giving him an opportunity to be heard
cations sent, and do landlords and owners come in an

Senator FASSETT.—As matter of actual practice n
A. If a gentleman makes an application for a place
they call a printed form—the landlord's consent—
they know about it; they come to the secretary and
nd then go and have it filled out, but if there is no co
he license will not be granted; sometimes an applica
ou send for the landlord and have him come down
oard he will state;" sometimes a place belongs to a
a question whether they will allow a saloon to g
ause the women folks belonging to the estate are n
liquor places, but the agent who has charge, he wan
ce.

. Now, as a matter of actual practice, t
ity to landlords to

the landlord's consent, but were willing to allow the parties to open the place, but the commissioners refused because they refused to go down black and white; that is, some of them felt ashamed — I have often heard that story.

Q. The people were perfectly willing if the board of excise would take the whole responsibility and not bring them in it? A. But the commissioners would not permit that; they wanted the consent down in black and white.

By Senator Fassett:

Q. Isn't that landlord's consent exacted on account of the requirements of the Civil Damage Act? A. That I do not know.

Mr. Ivins.— I suppose it is. I do not know their methods. We will have to find that out from the commissioners themselves.

The Witness.— I suppose it is to show which one had prior right; that is, there are sometimes five applications for one corner; the one who has the landlord's consent has the best chance.

By Mr. Ivins:

Q. I don't understand that? A. Five men have applications for one corner.

Q. Do they make application before they get a lease? A. Sometimes they do that.

Q. Then it amounts to this, that the man who can get a license gets the lease? A. How is that?

Q. The man who can get a license can get the lease?

Senator McNaughton.— If he has the landlord's consent.

The Witness.— If he has the landlord's consent.

Q. But there is no landlord; there are five men applying for the license and no lease made? A. You don't understand; if, say, corner of Fourth avenue and Bowery, there were five people made application for that corner — there are five people want to get into that place; five of them can not get five landlord's consents; one of them can; that one is considered by the board; that is the one that will stand the best chance of getting the license; when the matter comes up before the board, the other four have no chance.

Q. The other four have no chance? A. You might as well ask to have a saloon put in the building — fifty people could make application, and nothing could stop them.

Q. It is customary for people to make application for licenses for premises for which they have no lease? A. I couldn't say.

Senator Fassett.— That must be so.

Q. Does your board of excise ever give assuranc
they will give them a license if they secure a lease
Q. In other words, do they give assurances as t
will be on an application before they do act? A.
question that is answered four or five times a day; t
before the board fully equipped.

By Mr. Ivins:

Q. What constituted full equipment; does a lea
equipment? A. No, sir; the landlord's consent; tha
holds them responsible.

Q. By landlord's consent, you mean the consent of t
he isn't a landlord as yet?

Senator Fassett.— That is what they call it.

The Witness.— Yes, sir; that is what they call it.

Q. It is the consent of a man who is about to bec
A. I do not get that; if you are the owner of a house
receipt — in other words, they are not apt to get a lan
until they pay the rent, or part of it, and then the lan
receipt.

Q. Then I still don't understand what you mean
our fellows who have no standing, and have no app
o landlord's consent? A. A owns a house, and he w
andlord's consent to B; B gets a landlord's consent
efore the board of excise to get a license; he is full
et a license, if his character is good, he is moral
anding.

Q. Now, it says: "A license to sell spirituous

might be disposed of as incident to a license of a different grade? A. Yes, sir.

Q. Now, what steps are taken by the board for the purpose of seeing that there is no connection between provision and grocery stores on the one hand and liquor saloons on the other hand, once the license has been granted? A. They have special aides in the board there were complaints come in, and they send them to find out how those parties are conducting their grade of license; that is, for instance, a man had Class 6 and he was selling like they do on a Class 3, one being fifty dollars and the other being $200, why the man paying $200 would naturally be the first one to complain, and they investigate those matters; anybody discovered that way they are tried before the board and have a trial, and if it is proven, their license is revoked.

Q. Does the board of excise exercise any supervision over the manner in which the liquor traffic in the city is conducted, except so far as they make inspections of places prior to the granting of licenses? A. Do you mean—I don't get that question just right.

Q. Do the board of excise exercise any supervision over the liquor traffic in New York city, except so far as is involved by an inspection of a particular place or particular places anterior to granting the license? A. No, sir.

Q. They don't? A. No, sir.

Q. Do you understand that they have any power or any duty to exercise such supervision or control? A. Over places, you mean, that are not licensed?

Q. No; I will again assume that I am a violator of the law, and that having got a license from you I go on selling liquor after 1 o'clock in the morning; I also keep open on Sundays; I also expose liquor for sale on Sundays, or I have a liquor license adjoining a concert-room, where I ought not to have it, and that I systematically and habitually and regularly violate the law under a license which has been granted by your board; does your board follow me up or watch me or inspect me; do anything, in other words, to see whether or not I am violating the law, once I have got my license? A. No, sir.

Q. Has your board any power to do that? No, sir; not that I know of.

Q. You consider that your board has legally no duty to do that? A. They might, as citizens.

Q No; legally—any duty as a board? A. I think not.

Q. Now, have applicants ever requested that licenses should be made not less than two weeks before the time the existing license expires; what would happen in case an application were made after the date

Q. Now, you say after the bond has been given every case attached to the application, is it? A. Yes

Q. The applications that we have put in as sample in each case contain the bond? A. Yes, sir.

Q. I call the attention of the committee to the obligation of this bond: "The condition of this oblig if during the time for which the said licenses shall be

Senator FASSETT.— One moment; what bond is that?

Mr. IVINS.— This boat bond, Class 8: "The conditio tion of the bond is in each case practically the sam they shall not suffer his, her or their places of busi orderly, nor suffer any gambling, nor keep a gambli description within the said premises so occupied by suffer them to be occupied for immoral or unlawful hat if during the time "— [Reading].

Q. Now I want to ask whether the board of excise e ction on these bonds? A. I do not know of one case.

Q. Have you ever heard of an action being brought is kind? A. No.

Q. Now, there are a good many revocation in the cou the board, are there not? A. Yes, sir.

Q. Some are because complaints have been made that ve been used for improper, illegal, or disorderly pu s, sir.

Q. Other revocations are incident to the fact of a convi ty? A. Yes, sir.

Q. Now, the board has on its files the bonds of the bo application of the licensee in each particular nent: the board

Q. Do you know whether the board have ever, themselves, taken any steps directly or indirectly to enforce one of these bonds? A. I do not remember of one case.

Q. Have you any idea, generally as to the number of revocations which occur in the course of a year? A. Something between 150 and 200, I think would be a good average; I could tell that by the minutes.

Q. Will you prepare simply a tabulated statement — that you have been asked to do already, though, haven't you, of the revocations? A. Only of those fifty that you asked.

Q. If you will then prepare, so that it can be spread upon the minutes, a list of the revocations giving the names of the parties and the numbers of the licenses revoked, so as to make reference to the papers? A. Yes, sir.

Q. Make a memorandum of that, will you? A. Yes, sir; that is, you desire —

Q. A list of all the revocations of licenses? A. During this present administration, is it?

Q. During this present administration.

Senator McNaughton.— Do you want the names?

Mr. Ivins.—I want the names and numbers of licenses revoked.

The Witness.—That would be from May 4, 1889, to date.

Mr. Ivins.—I call the attention of the committee to the facts that these bonds run in $250 each, as the absolute sum mentioned in the bond, and we will assume that there are 200 revocations in the course of a year out of those 8,850 licenses.

Q. Have you ever heard of one of these bonds being prosecuted? A. No, sir.

Q. What is the value of this bond, then; what is it taken for; what is the good of it? A. I suppose it is like any other bond; the county clerk accepts of it and looks upon it as just the same as if it was some bond for a big house or something that way.

Q. What do you mean by a bond for a big house? A. Like, for instance, any business place they offer a bond and it is generally looked upon as a good bond, parties qualifying.

Q. Do you mean a bond like from a banking-house? A. What I mean to say is that we believe these bonds are just the same as any other bond in the city.

Q. A bond of a banking-house is negotiable; you don't class this among negotiable paper? A. Can not tell what might be done with it.

Q. Have you ever heard whether the district attorney has power to bring an action on that bond? A. That I can not answer; I am not well up in law.

has any doubt that a man is not qualifie
on that bond.

Senator McNaughton.—Mr. Ivins' point is this, th
first-rate bond, one signed by an Astor or Senator S
done with it, if even for some reason that license is re
to minors—they don't prosecute the bond.

Q. Suppose Mr. Astor were the applicant that sig
the first instance; suppose that Mr. Vanderbilt an
Morgan were upon two bonds, but that Mr. Astor
and that he was convicted of it, and that we ha
Vanderbilt and Morgan agreeing that if he should
and be convicted and his license revoked on acco
would pay a penalty of $250 to the county; that is a s
to the county; if that penalty to the party over and a
his license under the bond is not enforced, what is t
A. I think if anybody called the attention of the co
hat—

Q. If this committee were to call the attention of the
and it were apparent that the indorsements of those bo
r anything, it would result in a revenue of from fifty
housand dollars a year?

Mr. Bien.—For your information, and the benefit
ittee, I wish to state that Mr. Dayton, who is one of t
e excise board commenced an action of this kind and
ted it. Since the present commissioners have come in
stion was tested before Judge O'Brien, and judgment
l.

Mr. Ivins.—Judgments have been entered?

Mr. Bien.—Yes, sir.

Mr. BIEN.—Those two test cases, and prosecuted to judgment, and the judgments were obtained here about four month ago.

Mr. IVINS.—Can you tell when Mr. Dayton brought those cases?

Mr. BIEN.—The register will show; I think it was in 1889.

Mr. IVINS.—Has there been a case made—a printed case for instance?

Mr. BIEN.—No; we have got the complaint.

Mr. IVINS.—Have you the pleadings?

Mr. BIEN.—Judgments have been entered up.

Mr. IVINS.—Will you bring a copy of the judgment-roll?

Mr. BIEN.—The original is down stairs.

Mr. IVINS.—We will have it sent up and entered in the minutes. It is immaterial to this committee when the matter was begun or when it was ended, or who did it, and who did not do it. The point is this: Mr. Bien, as counsel for the excise committee can tell us now, that for years these bonds have not been prosecuted, and that there is a possible source of revenue to the city of from fifty to seventy-five thousand dollars a year, as a minimum, and for years no steps have been taken to recover that source of revenue.

Mr. BIEN.—The present commissioners have nothing to do with that.

Mr. IVINS.—I want to say something to Mr. Bien: He has an idea that the present commissioners are under trial; we are investigating the excise system.

Mr. BIEN.—In a sort of manner.

Mr. IVINS.—We are investigating as well as we can, and if you can show us any better, just take your feet and show us every time you get the chance, because we want to get the facts.

Mr. BRADY.—It would be a physical impossibility, because there are thousands and thousands of these bonds that have never been prosecuted, and this test case was brought here about a year ago by Mr. Dayton, but it would take a whole corps of assistants to prosecute the bonds.

Senator FASSETT.—I do not think you will have any occasion to, after we get through.

Mr. IVINS.—I understand that many of these bonds, Mr. Bien, are outlawed by this time—what do you understand the application to be on this—a six years' limitation?

Mr. BIEN.—I do not.

Mr. IVINS.—What do you?

Mr. BIEN.—Same as any other sealed instrument.

Senator MCNAUGHTON.—Twenty years.

not, but you are here appearing for the commission responsible; that it would appear in these bonds we have right twenty years running back.

Senator Fassett.— I guess we can get it as a matter better form.

Mr. Ivins.— We can not get it as a matter of reco because we would have to go through these bonds and m n other words, there are twenty years or 160,000 whic ile, and each one of the bonds, so far as there was a vi aw, would have a penalty in it of $250.

The Witness.— These bonds are at the county clerk's Mr. Bien.— There is a special book down stairs for bo Mr. Ivins.— Yes; I understand that.

Q. Now, do you know whether, in case actions were t these 200 bonds, or on these 150 to 200 bonds that ery year, the law department of the excise board is so enable the actions to be brought? A. Yes, sir.

Q. It is so equipped? A. Yes, sir.

Q. Now, who constitutes the law department of the e The counsel, Edward Brown, and the law clerk, Mr. B Q. Now, Mr. Brown hasn't heretofore spent any ti secution of these bonds, except so far as the prosecut cases are concerned? A. None that I know of.

Or Mr. Brady? A. Or Mr. Brady.

Now, although I shall ask Mr. Brown and Mr. Brady ial duties are, I would like you, as secretary of the executive officer, to say what you understand their d what they as counsel do? A. To advise the

the law, and if they wanted to deviate from that, why, they were responsible for it.

Q. Now, tell us one case in which, so far as you now recollect, the counsel have been called in to advise the board — any one case so that I can ask about it later when we call the counsel? A. There is no case that I can charge my mind with now, but if I saw the minutes I could — that is, the stenographer could get that.

Q. Now, these election day cases are one, are they not? A. Yes, sir.

Q. That was not a question of revocation? A. When they consulted the counsel?

Q. Yes? A. Yes, sir.

Q. Now, is it not a fact that the counsel are consulted mainly on questions on revocation rather than on questions of granting of licenses to applicants? A. No; sometimes the question would come up whether the board could take away a man's license for doing something, and they would consult the counsel and he would give the law and say: "There is the law; now you can suit yourself."

Senator Fassett.— That isn't the question; that is simply on questions of revocation of licenses?

The Witness.— Yes, sir.

Q. The question being as to whether or not there has actually been a violation of the law? A. Yes, sir.

Q. In that case the counsel explains what his interpretation of the law is? A. Yes, sir.

Q. What he thinks the law means? A. Yes, sir.

Q. And then the commissioners may decide whether it falls within the law or not? A. Yes, sir.

Q. So that the chief assistance which the counsel to the commissioners renders is the advising them properly in cases of revocations? A. Yes, sir; where they become tangled on what they do regarding the law.

Q. As to the importance, and whether — A. Yes, sir.

Q. The facts presented constitutes a sufficient reason for revoking the license? A. Yes, sir.

Q. But their assistance is very rarely asked in the granting of an application or license? A. No; they are not asked so many times.

Q. Now, apart from the assistance which the counsel to the board renders, then, on this matter of the revocation of licenses, and apart from the prosecution of these bonds, what is there for the counsel to the board to do? A. Well —

Q. What does he do, apart from these things, one of which he doesn't do? A. I do not know of anything else.

department by himself — the law department.

Q. Where does the law clerk, Brady, stay; in the office

Q. He is attached permanently to the office? A. He

e there; I see him often.

Q. Is he there? A. Most of the time.

Q. Now, isn't it a fact that Mr. Brady really does prac

ork that is done by the counsel? A. Well, I don't kno

issioners, with all due respect to Mr. Brady, would tak

law from Mr. Brady as it would from Judge Brown.

Q. Judge Brown; they take his advice, and his main du

Yes, sir.

Q. But the work that is incident to the law department

r papers and preparation of papers, or checking

mining evidence or anything of that kind, is really

dy? A. Yes, sir.

Now, what salary is paid to Judge Brown? A. He

nator FASSETT.— Six thousand; Mr. Gale so testified.

e WITNESS.— I think it is $5,000.

And what salary is paid to Mr. Brady? A. I think i

e got a memorandum of it.

nator FASSETT.— Two thousand five hundred dollars.

e WITNESS.— Two thousand five hundred dollars.

How long has Judge Brown been counsel to the b

he was counsel when I came to the board.

Appointed by these present commissioners? A. App

present commissioners.

He is a member of Tammany Hall, too, isn't he?

ow.

Q. Colby was his predecessor; now, do you know of any reason why the duties of counsel to the board could not be performed by one of the corporation counsel? A. Well, no; I think not; I think there are cases now that the commissioners have been punished for already that requires the counsel —

Senator Fassett.— In spite of their counsel?

The Witness.— In spite of their counsel; yes. That will tell later on, I suppose.

Q. If their counsel was right they won't be punished? A. Yes, sir.

Q. If their counsel was wrong they will be? A. I think they have been punished.

Q. I mean legally? A. Oh.

Q. Have you anything to say to this committee with regard to what you consider would be improvements or desirable changes of any kind in the administration or system of that department? A. No, sir; I have been connected twenty years with a business house before I came to the board of excise and I must say that the system is perfect, as far as I know; I have looked for that all along and tried to suggest something but I failed.

Senator Fassett.— You don't see any place where the work could be done more thoroughly?

The Witness.— No, sir. Everybody does a good day's work there; I am of that opinion. I watch them pretty closely.

By Senator McNaughton:

Q. Could you recommend any change in the time of appointing commissioners? A. I think — that is only my opinion — that appointing them the first of May is a very bad time because it is the busiest part of the season, and the outgoing commissioners going out and the incoming coming in makes it very, very bad; I don't care how bright the commissioners may be they are a little timid going into new business, and if the change was made to occur in the dull season it would be better.

Q. Say first of February? A. Yes, sir; about that; it would be much better.

Q. Or first of January? A. Yes.

Q. Wouldn't you recommend that, if you had the power to do that, to some legislative board; wouldn't it be a good idea? A. I think the first of May is a bad time; that is far as I think I can go.

Q. Would you recommend any other time to be fixed — as to the time? A. I do not think I could answer that question intelligently.

Q. You say it is a bad time? A. I say May is a very bad time.

previous year? A. Well, if the commissioners
differently, then of course it would come in the year
where the commissioners are appointed in May, th
February, March and April goes into the following bo
Q. Then you would have the fiscal year commence w
the commission and have that commence earlier tha
if you had your say about it? A. Yes, sir.
Q. Now, has it ever occurred to you or the board t
lass of license should be granted to druggists than
torekeeper's license, who buy and sell by the gallon?
ow — a druggist generally gets out Class 3 — most of t
ho have big places; they get Class 3; that is a $200 lic
gives them power to sell all kinds of liquor; I think
orks very well.
Q. Call it a store license? A. No, sir; that is a saloon
Q. And they sell by the glass? A. Yes, sir; of cours
empt to sell by the glass they are getting just as much
saloon keeper is.
. And they sell by the quantity as well — by the gallo
. Do they? A. How is that?
. Do they sell by the gallon? A. That license permi
any way they want to.
By the gallon or glass? A. That is a sort of license
he grades in.
This point has never been discussed, that a druggist
to sell by the glass or simply desired to supply his
liquors for medicinal purposes should not
e, or at a less

By Senator Fassett:

Q. That is the way they work it? A. Yes.

By Senator McNaughton:

Q. Suppose the licensee applies for a license to sell only on physician's prescriptions? A. He would have a great many prescriptions.

Q. Don't you think it would be a good idea for the druggist to be allowed to get a license for a less price than one who sells by the glass? A. I suppose so, if he lives up to the law.

Q. We suppose everybody lives up to the law; we don't suppose they violate the law. A. But you saw whether that would be possible by having a storekeeper's license and by having a doctor prescribe for a patient — come right in and take a glass of brandy.

Q. Is there any more chance for a druggist to abuse that than a storekeeper? A. A storekeeper don't; that is a grocery.

Q. A storekeeper? A. No; I think not.

Q. Presumably not? A. No; I think not.

By Senator Fassett:

Q. Is there a limit put by the board to the number of saloons which they will license in the city? A. Well, no; the commissioners desire to decrease the number instead of decreasing them; they have tried very hard where they could drive a place out to drive it out.

Q. There is no limit fixed by law in any way? A. I think not.

Q. Who controls or orders the movements of the inspectors? A. The chief inspector.

Q. The chief inspector? A. Yes, sir.

Q. And who is his superior officer? A. The secretary; the secretary is held responsible for all the department.

Q. Don't you control the actions of the individual inspectors? A. No, sir; unless they are sent to me for something and then I take charge of them.

Q. Does the board ever make any investigation as to the real ownership of the premises sought to be licensed? A. No, sir; they take the landlord's consent; they are supposed to think that that is the genuine thing — the signature on there.

Q. You don't give one man but one license? A. That is all.

Q. Suppose one man owns ten places in the city; he actually puts up the money for the stock and pays the barkeeper's wages, and runs his own machine, how does he succeed in getting his license? A. Well, I really don't know; you see John Smith; why John Smith gets his license; John Smith's signature is on that application, and if we

A. Yes, sir.

Q. That application has to state everybody who is in
business outside? A. That is, in that beer business.

Q. Down on Beaver street there is another place und
nent; does that license state everybody's name in conn
A. But it is not made out in the same name.

Q. Oh, no? A. For instance, you take a stock comp
eople.

Q. Yes? A. Now, they must select one of that se
ave the honor of having his name put on the license.

Q. In other words, if you had a stock company of sev
uld manage to have seven licenses? A. Yes, sir.

Q. And each application for each license must disclos
ven names? A. Yes, sir; and the signature of the
ensee — must be on that application, or it can't go thro

Q. Now, take a case like Park & Tilford, for instance
nses have they got? A. They have one for each store
Q. That is four or five? A. Five; yes, sir.
Five, is it? A. Yes, sir.
And their applications have to disclose everybody
vidual member of that firm.

This application discloses everybody who is interes
ness where the license is carried on? A. Supposed to
of a firm.

Or parties in interest? A. Yes, sir.

If there is away back of that someone who owns the w
doesn't appear — A. You might have a place, and y
be interested in the place, and yet you wouldn't me
I suppose in that way th

Q. What is the difference between giving one man four places and giving one firm four places; I mean what is the difference between giving one man four licenses and giving them to a firm, the firm controlling the four licenses? A. Well, if the party applies to the board of excise for a license for a certain place, and if he files the required documents, I don't see as the commissioners can do anything else but grant that.

Q. Mr. Bishop, it is simply an evasion of the law? A. Which?

Q. Giving a concern four, five or six different licenses; take Park & Tilford; that is an evasion of the law; it is the only way you can get around it? A. No; I think not; I think the commissioners studied that; if a party comes there and Park & Tilford is a firm, and got the license out in John Smith, and yet Park & Tilford is the firm — there are perhaps several persons attached to the firm; now, John Smith is a partner; he has a perfect right to get that license according to the law, as we understand it.

Q. Although your application states that the same persons whose names figure on the other license are parties in interest under this license; take your idea, Mr. Bishop — suppose there was a stock company of 100 members, and they each had share and share alike, and they got up a syndicate for conducting a saloon or liquor business in the city; under your theory they could get 100 different licenses? A. Provided they had 100 different names to suggest.

Q. Suppose they had 100 names and every one's name was John Smith? A. Then there would be a lot of Smiths.

Q. It isn't the name; it is a difference in individual? A. Yes; I will tell you, Mr. Chairman; the gentleman who makes an application, he has to put his biography right on the paper.

Q. Now, Mr. Bishop, all there is to it — you want to be sure that the man to whom the license has been issued is a different individual; you don't care about the name; the name don't make any difference; you want to be sure the same person don't get any? A. Yes.

Q. Under my question this syndicate could have 100 licenses couldn't they? A. Providing they had 100 names to suggest.

Q. One hundred different persons? A. Yes, sir.

Q. Although their issues would be pooled, and they were making a profit out of it? [Not answered.]

By Mr. Ivins:

Q. Let us see how it would be done in the name of an individual; you have often heard of Gerken's here in the Stewart building? A. Yes, sir.

By Mr. Iyins:

Q. Do you know he has a place in William street?

Q. I noticed a sign in Gerken's in Wall street durin
this effect: "Mr. Gerken will open another branch in
on such and such a date, and that with a list of Mr. G
showing the Chambers street place and the Wall street
William street place; now, how does Mr. Gerken c
branches around the city and to be extending his b
way? A. I really couldn't answer that, but if you a
Gerken or his initials, John W. — or what his initial
Gerken has two licenses in the city, I say no.

Q. I think it is Frederick — A. Because we could te
gnature that, if he attempted to even use the initials w
, or John, or John James Gerken.

Q. Now, is there anything to prevent Mr. Gerken havi
ambers street in his own name, and a place in Wall s
me of one of his bartenders, or a place in Willia
name of another bartender? A. I think if the co
re aware of that it wouldn't be granted.

). What steps do they take to find out, and why sho
nt it? A. I don't know — if they don't find out.

. Is there any reason why a man should have three pla
ne? A. He is very clever if he has — that is, if he ca
That brings us to the case of Stokes; do they have
liquors at the Claremont, up in the park? A. Is it
n?

It is both; it is all sorts of thi

Q. I mean any reason, so far as the good of the community is concerned, why those should not run in the name of one man, same as in the name of two men? A. Run the same as banking-houses or grocery stores.

Q. Now, isn't it better to have a man who knows how to run a hotel, as Mr. Stokes does, than two or three who do not know how to run a hotel? A. I think it would be very conflicting, because the board of excise would not have such control; they have got to look to one individual; they hold the one individual for that license and it would be very conflicting if one person were allowed to have six in his own name.

Q. Then, why don't that immediately knock the bottom out of it — out of what you said a moment ago with regard to having three names? A. Then they hold John Smith or Peter Brown.

Q. Do they hold him, or not? A. His signature is on the books of the board of excise, and they look to him.

Q. Do they hold him? A. If he has committed a crime, and it is proven, certainly.

Q. The board of excise have nothing to do with a crime, except revoking a license? A. The board of excise are notified.

Q. A violation is easily proved, isn't it; in other words, we will say that I have gone into one of Park & Tilford's places and been able to get liquor for consumption on the spot on Sunday and I come with two or three witnesses; that is easily proved, isn't it? A. You come where?

Q. To the board of excise with three or four witnesses and with the complaint and prove that fact? A. Yes, sir.

Q. Now, it is entirely immaterial who sold me the liquor, isn't it? A. That I do not know.

Senator Fassett.— You can safely say yes on that.

The Witness.— I beg pardon; if you come and make complaint to the board of excise as a citizen that you got liquor in that place on a certain day, they will put that case down for hearing, bring all parties and have a regular hearing; if it is proved that they have done that, the commissioners will vote to revoke that license.

Q. The question in that case is entirely out of the case who holds the license; the question is was such and such a thing done at that time, place and at such a time? A. The license is responsible for that place.

Q. Then we come back; the license is equally responsible, independent of what name it runs in, isn't it? A. I don't seem to get that.

an individual, whether the individual's
Smith or Robinson, the license is revoked? A. If
proven.

Q. Yes. A. Yes; then Mr. Brown for three ye
another license; that is the punishment he gets; he
three years.

Senator FASSETT.—So the man who owns O'Brie
around and get O'Brien's brother.

Q. Or must get another partner? A. That I don't l

Q. That shows where it is deceiving; there must be
question is whether there was some necessary foundati

Senator FASSETT.—The question to the witness was wh
show why one man should have eight or ten, where he
proper man; his answer is that it would lead to conflict

Mr. IVINS.—Now, he says the man has got to be notifi
an be notified to appear and defend himself in eight ca

Senator FASSETT.—And the penalty would be the
articular license.

Mr. IVINS.—And the penalty would be the loss of th
ense.

The WITNESS.—Where you are issuing eight or nine tho
ere must be something to keep control. By letting
en licenses in his own control, you would have nothi
k after the seven licenses.

By Senator FASSETT:

. You would have to do that any way? A. Yes, sir.
. With seven different parties? A. Yes, sir; that is it.
. I don't think there is any simplification

many houses of prostitution are licensed; how could that be possible? A. I do not of one, sir, during my time.

Q. Of course the board wouldn't intentionally license a house of prostitution? A. These commissioners are honorable gentlemen; they have their families; they have characters to lose, not to gain.

Mr. Ivins.—Let me interject this—what the difference between a house of prostitution and house of assignation is, and then we can take this Sixth Avenue Hotel, which is charged as being a house of assignation and which has a license.

Q. Isn't it possible that this writer, whoever he may be, has recourse to the possession by these parties of an internal revenue receipt or license—United States license? A. I think, if you would give the particular place, that to-morrow we would be able to answer that.

Q. Look it up? A. Yes, sir.

Q. Is it a fact that there are places in the city to your knowledge that are selling without licenses, who have United States revenue licenses? A. No, sir.

Q. You don't know whether that ever happened? A. I do not know of the place; no, sir.

Q. Did you ever hear that that is so? A. Sometimes we get anonymous letters and we would send a man there and get what we could, and if we thought it was necessary to send for the police, that would be a part for the police to act on; we haven't any jurisdiction over the saloons that are run without a license, unless we have them on our books.

Q. That is, it isn't any more your duty, you think, to look after the places without licenses than it is the duty of any citizen? A. Only as a citizen.

By Senator McNaughton:

Q. Mr. Bishop, isn't it possible that the case referred to in this letter may be one like this, where the saloon on the first floor is rented to a man entitled to a license and the upper stories are rented to somebody else in connection with the same building? A. That could occur in this way—for instance, A applied for a license at a certain number and got a landlord's consent for that there and has a lease for the house, and the landlord permitted B to run a house of assignation upstairs; of course A has got his place and has received the license; B comes in afterwards; of course A can not be held responsible for B and what the landlord does.

[Adjourned to Friday, May 23, 1890, at 11 A. M.]

Q. Where do you live? A. Four hundred and
Eighty-sixth street.

Q. How long have you been cashier of the excise bo
ear.

Q. When did you become cashier? A. May 18, 1889.
Q. Who was your predecessor? A. A. S. Parkhurst.
Q. Is he still in the department? A. Yes, sir.
Q. In what capacity? A. Assistant cashier.
Q. What is the salary of the assistant cashier? A.
ght hundred dollars.
Q. What is the salary of the cashier? A. Three thou
Q. How long has Mr. Parkhurst been cashier? A.
ars.

Q. Mr. Parkhurst is familiar with the duties of the office?
Q. And now acts as your assistant? A. Yes, sir.
Q. You are a member of Tammany Hall? A. Yes, sir.
Q. What district do you belong to? A. The twenty-sec
Q. Are you a member of the general committee? A. Y
Q. Who recommended you for appointment in the d
Some of the members of the twenty-second district com
. What was your business before you became cashier?
he Second Avenue Railroad Company.
How long had you been in that position? A. About tw
Now, will you describe to us the financial system of
d; you can do it in your own way; just tell the manne
ys have been paid in, and after they have been collect
rtment; the manner in which they are deposited in
quently the manner in which they are paid into
office, and

Q. Do you issue a receipt for the money in addition to delivering the license? A. No, sir.

Q. How do you make your entries against the receipts of moneys for any particular licenses; in what general form? A. We have a cash book; we enter the name of the applicant; the address; the license number, and the amount received.

Q. That is the only book of the kind that you keep? A. Yes, sir.

Q. That is the only book that is necessary, is it not? A. That is all, sir.

Q. Your business being strictly a cash business and the entries being strictly confined to the record of the receipts of cash? A. Yes, sir.

Q. What do you do? A. Well, I receive the money and deposit it every day.

Q. Who makes the entries in the book? A. The assistant cashier.

Q. How many entries a day are there during the busiest part of the season? A. Well, sometimes we run as high as 175.

Q. These entries do not take over one line across the page each, do they? A. That is all, sir.

Q. So that the utmost amount of work as incident to the entries would be the entering of these 175 lines? A. Yes, sir.

Q. Now, during the last part of the season, what is the poorest business you do? A. I think we average thirty-three a day during the whole year around.

Q. So that there are some days you do not average over ten or fifteen? A. Very seldom that number.

Q. Does the assistant cashier count the money and check it off? A. I count the money, and he makes the entries.

Q. Is it absolutely necessary to have two persons to do that business? A. Yes, sir.

Q. Just tell us why you think one person could not make these entries which average thirty-three per day for the year? A. We have to have two responsible people, two competent people; if one person got sick, the other one would have to take his place.

Q. That is your reason, is it? A. Yes, sir.

Q. Could not the secretary or an inspector be detailed by the board at any time in case of need? A. The cashier and assistant cashier are responsible for the cash; they are both under bonds.

Q. What is your bond? A. I think $20,000.

Q. Who are your bondsmen? A. Edward C. Sheehy and Richard J. Mahoney.

Q. Mr. Sheehy is one of the leaders of your district, is he not? A. Yes, sir.

Q. What bond does the assistant cashier give? A. I am slightly acquainted. $10,000; I am not certain.

Q. Do you know who his bondsmen are? A. I cou

Q. Those bonds are on file, are they not? A. Yes,

Q. With the comptroller, are they not? A. I think tain; I don't know what becomes of them; after I was commissioners took charge of them.

Q. After you received cash you make deposits; how do you make a day? A. One.

Q. That is in the afternoon? A. At 3 o'clock.

Q. Just before banking hours? A. Yes, sir.

Q. And the bank in which you deposit is under yo The excise office department; yes, sir.

Senator FASSETT.— Who selects the place of deposit? he treasurer of the board.

Q. The treasurer of the board is Mr. Fitzpatrick? A.

Q. Does the treasurer of the board give bonds? A ink not.

Q. Now, how does that money find its way out of th ank; the Germania Bank you say? A. Once a month I m tement to the comptroller — keep a daily return, a orn statement to the comptroller, and draw a check to chamberlain.

Q. Did you say this was the Germania bank? A. Th change.

Q. And that money lies on deposit in this bank for one m month; yes, sir.

By what resolution of the board do th; and do

Q. By whom is it signed, I mean? A. By the treasurer and president of the excise board.

Q. So that the money can only be drawn out on those two signatures? A. That is all.

Q. Then when the money has been deposited with the chamberlain, you take the usual receipt that has been issued there for years past? A. Yes, sir.

Q. Now who prepares your pay-rolls? A. That I don't know.

Q. There is a pay-roll drawn monthly, is there not, in the department? A. Yes, sir.

Q. Containing the names of the commissioners, and all of the employes? A. Yes, sir.

Q. That pay-roll is signed by whom, in the first instance? A. I think the president and the treasurer sign that pay-roll.

Q. It goes to the comptroller's office? A. Yes, sir.

Q. The comptroller and mayor then draw a draft against the chamberlain, or a warrant against the chamberlain, for the amount of that pay-roll in favor of the city paymaster, do they not? A. I believe so; yes, sir.

Q. The city paymaster then in person, or by one of his subordinates, comes up to the department and pays the parties their several checks? A. Yes, sir.

Q. The payments are made in checks running in the names of the persons whose names are on the pay-roll? A. Yes, sir.

Mr. Ivins.— I think that is all I care to ask this witness; if the committee wish to ask him any more questions I have finished with him.

Senator Fassett.— You did not expect by this witness to show anything about the disposition of the funds of the excise board, did you, Mr. Ivins?

Mr. Ivins.— No; I will prove that by the chief bookkeeper of the comptroller's office, who is now here.

By Senator McNaughton:

Q. Your deposits are made on what day of the month? A. The first of the next month; we deposit the receipts of the last day of the month on the following first day of the month.

Q. And when is the check drawn to the order of the comptroller? A. The first of every following month.

Q. The first of the following month? A. Yes, sir.

Q. To the chamberlain? A. Yes, sir.

Q. Then your receipts for the month of December, 1889, will appear in the receipts of the comptroller in January, 1890? A. Yes, sir; January second, I think we draw that check.

...gns the check? A. The city paymaster.
Q. Who countersigns it; any one? A. I think not.
Q. It is just his check? A. It is just his check.
Mr. IVINS.— The city paymaster's checks are not cou
warrant is drawn by the mayor and comptroller on t
running in favor of the city paymaster, Mr. Timmern
nerman then deposits that money in his individual
naster; he being under a bond. Then he draws th
avor of the employes of the city.

By Senator FASSETT:

Q. So the excise board have no control over the funds
xpenses or current expenses of the office? A. None w
Q. All the money they receive is turned over.

By Senator MCNAUGHTON:

Q. Is there any report of your board showing in de
nts by the month to the chamberlain? A. Yes, sir; I n
tement to that effect and deposit it with the comptrolle
. But it is not in the published report? A. No, sir.

By Senator FASSETT:

When you present your check to the chamberlain
an itemized statement with it? A. Yes, sir.
And the source from which the money comes? A. Y
of the applicant, place, class and received.
You save a duplicate of that? A. No; we send that
ke a receipt from the chamberlain.
Do you not keep any record in your office of it?
t my cash book.

[Mr. Ivins here reads statement.]

Q. This statement is not rendered to the chamberlain, but to the comptroller? A. To the comptroller; it is deposited with the chamberlain, though, first.

By Mr. Leventritt:

Q. You have stated that the daily receipts are entered in a cash book, have you not? A. Yes, sir.

Q. And that one line of that cash book is devoted to each receipt of money? A. Yes, sir.

Q. Do you make any extracts from that book; do you copy the statement daily of the receipts? A. Yes, sir; we make an extract that we send down to the comptroller, and we also make up a statement for the chief inspector in our books.

Q. Is that done daily? A. That is done daily; yes, sir.

By Mr. Ivins:

Q. Is the comptroller's extract generally daily? A. Yes, sir.

Q. Sent to the comptroller daily? A. No, sir; at the end of a month.

By Senator McNaughton:

Q. Now, the statement that you make up of your daily receipts; is that verified by any of the officers of the excise board? A. No, sir.

Q. Does the treasurer verify your daily receipts? A. I make a return to the treasurer.

Q. How frequently? A. Every day.

Q. Does he verify the return? A. It is verified from the bank the next morning.

Q. What do you receive from the bank in recognition of the deposit of money there? A. The treasurer receives a statement every morning of the amount on deposit.

Q. And you submit to the treasurer, also, the statement of the receipts? A. Yes, sir.

Q. And by that means he is able to verify the receipts and the deposits? A. Yes, sir.

Q. And as I understand, that is done daily? A. That is done daily; yes, sir.

Q. In what name in the bank is the account kept? A. The board of excise.

Q. The receipts each day, I suppose, are entered on the pass book? A. Yes, sir.

keeping the books of account with the excise board, which the moneys are received in the finance departme in which the moneys are paid out in the finance departn ally the purposes for which excise moneys are paid out department? A. There is first an account kept kn licenses; this represents all the moneys from the co excise for licenses collected; that return is made montl deposited with the city chamberlain and the account of filed with the comptroller; from that return the entry the general book; the disposition of these moneys are board of estimate and apportionment; the amount for for the commissioners of excise is appropriated usually first of May, when the year of the excise commissioners

Q. Those appropriations are shown in the records of estimate and apportionment? A. The board of estimat tionment.

Q. Do they constitute any part of the annual estimate priations which go into the tax levy? A. No, sir; not at

Q. Now proceed. A. The bulk of the excise moneys paid out to charitable institutions mainly for children, wa vagrants that were picked up about the streets or unworthy parents and committed to the various charit ions by the magistrates of the city police courts.

Q. What you mean to say by the bulk is this, that after t f the department have been paid, that is all salaries, re rvices, stationery and everything of that kind, then the n istributed among certain institutions in conformity with oard of estimate and apportionment? A. That is

Mr. Ivins.—Chief bookkeeper in the finance department.

Q. You prepared this statement, did you not, for me? A. Yes, sir; it was prepared under my direction; these slips I cut from the City Record and are the official reports of the actions of the board of estimate and apportionment in the excise matters.

Mr. Ivins.—I want these to be put in the minutes; they become an essential part of the investigation.

Senator Fassett.—Can the witness state as to their accuracy?

Mr. Ivins.—They are taken from the official records.

Senator Fassett.—What I meant, Mr. Ivins, was the accuracy of the transcription.

Q. Now, will you describe generally to the committee what steps are taken by the finance department or by the board of estimate and apportionment to guarantee the accuracy of what appears in the City Record; that is, as compared with the original documents? A. The proofs are all sent to the secretary and are gone over and carefully corrected.

Q. What secretary? A. The secretary of the board of estimate and apportionment.

Q. He is now Mr. Storrs, the deputy comptroller, is he not? A. Yes, sir—and Mr. Charles Adee; the minutes are all gone over and carefully corrected and compared, and the proofs are compared and corrected.

Q. Have you ever in your experience known of any discrepancy between the report as it finally occurs in the City Record on the day of its publication and the actual minutes of the board? A. No, sir; no essential difference; if any is ever discovered it is corrected and reprinted at once; the record is corrected; every effort is made; it is under the provision of law or condition of contract that it shall be correct.

Q. Will you go through those papers now as hurriedly as you can and tell us what the apportionment for excise purposes by the board of estimate and apportionment have been, from year to year, from the time to which these reports refer, and what the receipts of the board of estimate and apportionment have been from the time these reports refer? A. The year of the excise board commences with May first; so for the year ending May 1, 1881, the appropriation for the expenses of the board of excise was $78,300—I mean by the expenses the whole expense of conducting the board, salaries of commissioners, rent, salaries of employes, incidentals, the entire expense.

Senator Fassett.—That was the actual expense not the amount set apart.

have it put in.

The WITNESS.— I had a summary of each and together with this. I do not see the paper here.

Mr. IVINS.— I guess this is it. See if that is it [witness].

The WITNESS.— That is it. The appropriation for May 1, 1881 — I have got the whole thing here— additional and supplemental appropriations that we the total $78,675, the details of which appear in t For 1882, $71,200; for 1883, $71,000; 1884, $70,000; 18 $71,000; 1887, $72,000; 1888, $144,384.01; in 1889, $ $143,700.

Q. So that it appears that the expenses have been d 1880 and 1890? A. Yes, sir.

[Paper marked Exhibit No. 1 of this date.]

Q. What is that other statement you hold in your ha simply a distribution of the appropriation, the salaries sioners, clerks, rents and miscellaneous purpose for year.

Q. This shows for instance that in 1880 the salaries sion were $15,000; the salaries of the commission being in 1880? A. Yes, sir.

Q. There were paid to clerks in 1880, $58,971.37, $109,661.61 for the same item? A. That is for the yea 1, 1890, you understand.

Q. The rents which were $1,500 in 1880 are now miscellaneous items which were $3,115 in 1880 are now $8, ing the two years 1877 and 1878, and 1888 and 1889, there have been expended for detective services $12 [illegible] and $11,711 [illegible]

only judge from the returns, which are large and more voluminous, and I believe that many of the licenses are high now.

Mr. Ivins.—I will show later that the number of licenses has decreased very largely during that period, but that the actual income from the decreased number of licenses has actually increased, in fact been very nearly doubled, during this period; but we will have to find out from the commissioners whether the volume of work as incident to issuing fewer licenses but collecting more money for each particular license, has been increased. Those reports want to be spread upon the minutes.

[Reports marked Exhibit No. 2 of this date.]

By Senator McNaughton:

Q. After making the paper directed by the board of estimate and apportionment for those charitable institutions, hospitals and so on, whatever there may be, is not there some years a surplus remaining? A. Yes, sir.

Q. And to what fund is that surplus transferred by the board of estimate and apportionment? A. For three years past there has been something over $200,000 from that fund transferred to the general fund; in former years the whole amount of the excise licenses over and above the expenses of conducting the commission was turned over by a sort of pro rata distribution made by the board of estimate and apportionment to the various charitable institutions.

Q. These payments to the charitable institutions are now made under the Consolidation Act, are they not? A. Yes, sir; under the laws by which these children are committed.

Q. After making all those payments as directed by the Consolidation Act and approved by the board of estimate and apportionment there still remains each year quite a large fund? A. They paid for these children over $50,000 a month.

Q. But every year there remains a large amount that is transferred? A. Yes, sir.

Q. Can you give the committee the amount which has been transferred to the general fund, say for the past five years? A. I can give it; I can not remember the figures.

Mr. Ivins.—I wish you would just make a tabulated statement.

The Witness.—About $200,000; a little over; if I remember rightly, it was $240,000 last year.

Senator Fassett.—In addition to this sum, there is something that goes into the police pension fund?

The Witness.—Yes, sir; there is $200,000 goes to the police pension fund, and $75,000—

savings. ... did not go back in my

By Mr. IVINS:

Q. In addition to the moneys which are paid to ... and correctional institutions in the city here out ... there are also paid out of the general fund of the city ... sums to the same or some class of institutions? A. ...

Q. Will you prepare a statement of the amounts ... last five years annually out of the general fund? A. ...

Q. To these institutions, in addition to this approx... which is paid out of the excise moneys? A. Yes, sir.

Q. I understand you to say that there is paid ap... these institutions $2,000,000, in round figures, $1,00... moneys and $1,000,000 out of the general fund? A. Y... paid to the children or for the children amounts to ... average a month.

Q. What distinction is there made as between the inst... draw their moneys from the general fund and these whi... moneys from the excise fund; is there any general line ... tion between them? A. I don't know as there is; it is ... charitable institutions which will receive the committed ... For instance, if you have a copy of the annual report ... ee that some of these institutions deal only with the ad... ith children, and then there are some of the institutions ... oney from the excise which do not receive — that are n... f charitable institutions that receive a proportionate s... e city.

Q. I have a list of the institutions which have ... neys; now if you will ...

become a document of the committee. That will enable us to refer, in reading over the minutes to this particular report which gives those names. Now, if you will prepare a list of those names, showing the amounts of the appropriations and generally following the form which is contained here, but consolidating the report for five years, that we will make a matter of record in this connection.

The WITNESS.— All right.

Mr. LEVENTRITT.— I would like to state to the committee that Mr. Gale suggests to me that he can explain to the committee the occasion for this increase in expenditures from the year 1880 to 1890, if the committee desire any information on the subject.

Senator FASSETT.— I shall want it before I get through. It occurred in 1887 and 1888. There must have been some change in the law.

Mr. LEVENTRITT.— Eighteen hundred and eighty-seven, 1888 and 1889 are the three years, and Mr. Gale says he can give information to the committee which will explain the reason and necessity of the increase, if the committee desire him to do so.

Mr. IVINS.— We would be glad to have him prove these facts later. I want to put Mr. Costigan on the stand now so that he can get back to his office.

THOMAS COSTIGAN, called as a witness, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Costigan, you are the chief clerk in the district attorney's office? A. Yes, sir.

Q. I would like to have you identify these papers as papers that you have prepared at my request, and swear to their accuracy; I present now a list of the violations of the excise law indictments pending from May 1, 1889, to May 1, 1890, which list gives the date of the indictment, the name of the party and the residence, and which list appears to have eighty-six entries on it; is that correct? A. Yes, sir.

[Paper marked Exhibit 5 of this date.]

Q. This is a list, is it, of complaint for keeping open on Sunday, from May 1, 1889, to May 1, 1890, complaints pending in the office, and of which there appear to be 1,377 cases [handing paper to witness]? A. Yes, sir.

[Paper marked Exhibit 4 of this date.]

Q. That is an accurate transcript of the books of your department? A. It is made under my direction, and they are correct.

Q. This is a list of excise violations for selling liquors on Sundays, of complaints now on file in your office for the year 1889 to 1890, of

[Paper marked Exhibit 6 of this date.]

Q. And this is a list of complaints for violation of selling liquor after the legal hours, from May 1, 188 of which there appears to be 388 [handing paper Yes, sir.

[Paper marked Exhibit 7 of this date.]

Q. Now, does that record constitute a transcript plaints or indictments now pending in your office, w have been made, or which indictments have been fo year from May 1, 1889, to May 1, 1890? A. It did that have been found; no, sir; because some have b to the Special Sessions, and some convicted, in which pass out of our hands; it is all the papers we have in

Q. So far as all the complaints are concerned, that transcript of your records showing all the complaints

Q. The complaints do not pass out of your hands?

Q. When? A. Until the final disposition of the case

Q. They remain in your hands until the final disposit by the courts? A. Yes, sir.

Q. Now, so far as indictments are concerned, this ments is only a list of those which are still held i A. Which are pending?

Q. And which are pending? A. Yes, sir.

Q. Untried? A. Yes, sir.

Q. There have been a number of other indictments, hu which cases have been tried? A. Yes, sir.

Q. Either in the Court of General Sessions or the Cou Sessions? A. Yes, sir; or discharged from th

Q. So that this record you gave is not the record of the entire indictments for the year, but only a list of those now pending? A. It is a list of the ones undisposed of.

Q. And in order to get at the record of those which have been disposed of in one or the other of the forms which I have described, it is necessary to get the papers from one or the other of those two courts? A. Yes, sir.

Mr. Ivins.—Those papers I will present.

By Senator Fassett:

Q. Those disposed of, the parties are all under bail? A. Yes, sir.

Q. The uniform amount of bail is how much. A. One hundred dollars.

By Mr. Ivins:

Q. These are also called bail cases [handing paper to witness]? A. Yes, sir.

Q. Now, will you describe the custom of your office with regard to the transfers of cases, whether bail cases have preference over so-called prison cases, or whether prison cases have preference over bail cases? A. Prison cases have preference over bail cases in all matters.

Q. Have you any book in your department which will show in condensed form summarily the number of indictments in excise cases which have actually been disposed of? A. Yes, sir; our index book.

Q. Would that show it without going through it and figuring it up, or will that show it in any concise form? A. It will not show it in any concise form, only that is an index on the face of it.

Q. Can you make a memorandum of the total number of indictments that have come into the office? A. Yes, sir; I sent it to you; it is type-written.

Q. I don't seem to have it here; you have a copy of it? A. I have a copy of it, but I haven't it here, though it was called for in your subpœna.

Q. What becomes of these complaints after they go into your office? A. They are put before the grand jury as fast as the grand jury are willing to act on them.

Q. It appears then that there are several thousand complaints for violation of the excise law now on file in your department which have not been acted upon by the grand jury? A. Yes, sir; several of them.

Q. And on which indictment have not been found? A. Yes, sir; we tried to have them indicted within the statutory time; if they are not indicted in two years the complaint lapses; consequently, preference has got to be given to the later complaints in the matter of indicting.

paper to witness]? A. I have no knowledge o
they are.

Q. They were transmitted to me by Colonel Fell
doubt they are, but I have not seen them.

Mr. Ivins.— They are proved sufficiently. I will
ments if the committee pleases. They are proved
John Sparks.

Senator Fassett.— Are these the documents tha
left the other day?

Mr. Ivins.— Yes; and they are proved by the forn
seal of the clerk. One of these was filed on June 3
was filed on the 31st of October, 1889; that is, fo
will read the former first.

[Mr. Ivins here read the presentment, which was m
this date.]

By Senator Fassett:

Q. How is the Court of General Sessions constit
police justices assigned to that duty.

Q. And the three together constitute a Court of G
A. Yes, sir.

Mr. Ivins.— Do you know whether such applicati
referred to in the presentment just read, or a bill dr
that evil?

The Witness.— My recollection is that a copy of the p
forwarded to the Legislature, but I don't know whethe
was taken.

Senator Fassett.— What year was that?

Mr. Ivins.— That was in 1886. And this

Mr. Ivins.— Now, if the committee please, in order that we may see where our work is drifting, I would like to say a few words on this point. We all discover, first, that the work of inspection is almost entirely formal. We will discover, second, that the excise board exercises no police control over a place when the place has been licensed. We will discover, third, that the police department does exercise, or pretends to exercise or assumes to exercise, such control. We will find that in such cases where the police department actually acted, they may not have acted for any practical purpose, for it results in a complaint for which there may or may not be an indictment, and thousands each year go entirely untried and expire by limitation, or by the act of the grand jury or some other way. We will find that the district attorney's office is not equipped to try these cases. We will find that if there has been an arrest and the recision of a license, that the bond which has been given might practically not have been given, so that the bond which has been given for the keeping of the peace and abiding by the law, the party giving the bond might just as well not have given it. In other words, I think we will find that the whole system from beginning to end, so far as the actual enforcement of the law is concerned, is a mere shabby veneer, which fails almost completely of its purpose; and the question will arise to this committee as to what legislation shall be suggested for the purpose of making the application of the law possible; and I make that little summary at this point so that it will guide us further on in the investigation which we shall make.

By Senator Fassett:

Q. Can you tell us how many convictions there were in the district attorney's office brought about by the district attorney last year for breaches of the excise law? A. I gave a summary of it to General Ivins; I have sent it to him, but he don't seem to have it; I have a copy in my office.

Q. Can you tell in round numbers what it was? A. I would not like to trust my memory, but I think 1,300 cases.

Q. One thousand three hundred cases disposed of? A. I can get it.

Senator Fassett.— I want to see just how many of these convictions that are obtained are obtained on a plea of guilty, and how many are obtained by actual submission to the jury.

Q. Your books would show that? A. Very few of them, as a matter of fact, are tried in the General Sessions, for the reason that when you force the case for trial they elect to go to Special Sessions.

... the case comes there, complaints before a
trate, and of course that complaint forms a basis for in
the Special Sessions.

Q. Is that why they elect to go there? A. I can no
they do go there.

Senator STEWART.—I understood the main reason that
go there was that that court was so overrun with busin
was no chance of their case coming to trial.

The WITNESS.—I can not say what decides them to ta

Q. Do you know how many of those cases are actual
go over to Special Sessions? A. Practically all of th
ke to submit to you that copy.

Senator FASSETT.—I wish you would send it over. I
how many convictions are obtained in General Ses
sult of a verdict of the jury, and how many are obtain
guilty. I notice that all the cases that Mr. Gale sub
terday were P. G.

The WITNESS.—I have not got that. I will prepare that

By Senator McNAUGHTON:

. You said that presentment was sent to Governor
not send it.

Do you know of your own knowledge that it was sent

Do you know whether it was sent to Governor Hill?
collection.

You stated that it was sent to Governor Hill? A. I
recollection was that it was sent to Governor Hill
ection is that it was

whole system, the system of the administration of part of our laws, which is the greatest breeder of vice and mischief in the entire community.

HENRY M. TATE, recalled.

Senator FASSETT.— Mr. Ivins, before you take up Mr. Tate, shall we just have that explanation from Mr. Gale.

Mr. IVINS.— I will simply examine Mr. Tate to prove some figures.

Senator FASSETT.— All right.

By Mr. IVINS:

Q. Mr. Tate, you have examined the record of the finance department showing the disposition of excise moneys for the years 1885 to 1889, inclusive? A. Yes, sir.

Q. From January first of one year to January first of the next? A. Yes, sir.

Q. And this is an accurate summary of the books [handing paper to witness]? A. Yes, sir.

Q. And this statement of the payments made to the charitable institutions out of the receipts from excise licenses, naming the institutions and the amount paid each year, is an accurate summary of the books in that regard? A. Yes, sir.

[Paper marked Exhibit 10 of this date.]

GEORGE H. GALE, recalled.

By Mr. LEVENTRITT:

Q. Mr. Gale, can you explain to the committee the reason of the increased expenditure in running the business of the excise board? A. I can make a general statement for the reason of that increase in the appropriation asked for; the increase, it seems according to the report, occurred first in the year 1888, the year ending May 1, 1888, and that increase continued during the year 1889, and for the year ending May, 1890; the former board of excise, the boards of excise preceding the board organized in 1886, had been in the habit of having the applications for licenses taken by outside notaries who had absolutely no connection with the excise department, and received no salary for their work; their work was paid for by gifts or gratuities or fees by the licensees; it was their custom to visit the saloons in person, and anyone was accepted as bondsmen who would agree to sign his name; when the board discovered that fact, and under the construction of the law as given them by their counsel, Mr. Dayton, it was considered their duty to prosecute bondsmen for forfeiture of

Q. And they took the inspectors' reports of the r
irresponsibility of the parties? A. Yes, sir; they wer
Q. They simply availed themselves of the only m
A. Yes, sir.

Q. Unless they had a special appropriation to e
employ others? A. Yes, sir; a new rule was then est
pelling the applicants for license to appear in person
with their bondsmen; extra care was taken in the app
he position which was then established of application cl
elected were men who were personally known to the
be men of good, fair, average judgment, and they we
take care in accepting men as bondsmen for licensees.
Q. How many application clerks are there? A. Three
count for part of the increase.
Q. What is the salary of those application clerks? A.
o received $1,200, and one $2,000, the head applicati
e having charge.
Q. That is forty-four; how much do they get now?
200.
Q. Thirty-six hundred? A. Thirty-six hundred; also
6 the inspector's report had been very incomplete;
stions were asked and those were very immaterial, in re
ber of facts which the commissioners were anxious to g
ing the license; that was entirely changed by compa
ication which the inspector is compelled to fill out at
, compared with the report of 1886, it will show a vast di
ime, trouble and amount of things necessary in filling th
one point in particular is the di

Q. There were, before, two clerks at $1,500 apiece; one precinct clerk at $1,500, and one secretary at $2,000; that is $6,500; there are eight clerks now at that same work? A. No, sir.

Q. Doing similar work? A. Not similar work; it is entirely new work; work which was never before done by the excise board.

Q. How much do these eight men get? A. The secretary $3,000, and the assistant secretary $2,000, and the special inspectors $1,500 each; the unlicensed bureau has since been added, which made an increased appropriation of $15,000, which you will find by the letter sent to the board of estimate and apportionment in 1888, brought in an increased revenue of $69,000, for an increase of $15,000 in the appropriation, you will also find that the receipts had increased in larger proportion than the expenses of the department; in the 1886 report I find that there were 8,879 licenses issued; in the 1889, report there are 8,385; but there has been a great change in the number of drinking licenses, and the increase coming from storekeeper's licenses, where drinking on the premises is not allowed, has been solely done through the increase in force being able to detect sales of bottled liquors and bottled goods by grocers — beer bottles.

Q. Have you accounted as far as you can for the increased expenditures? A. The legal department also shows an increase in expenses; their work has been more than doubled by the number of mandamus cases which the board has had to meet under the mandamus law passed by the Legislature.

Q. What is the increased expense in the legal department? A. Twenty-five hundred dollars.

By Mr. Ivins:

Q. What are these mandamus cases generally? A. The court permits a case where the licensee has applied for a license, and his application has been refused by the commissioners, to go before the courts and show cause why the court should not issue a mandamus compelling them to grant a license.

Q. Compelling them to act? A. No, sir; compelling them to grant a license where a license has been refused.

Q. How long has that law been in force? A. Since 1887, I think.

Q. Did you ever know of a liquor dealer's association? A. I have.

Q. Do you know who the president of it is? A. I do not.

Q. Do you know who any of the ex-presidents of it have been? A. I think I have seen the name in a paper of William Padian, as connected with it.

Q. In what paper? A. I could not state; general information.

licenses; and at what particular tin
in fees was made? A. The fee was raised for a saloo
seventy-five to $200, on February 4, 1887; previous to
hotel license, the saloon license, the storekeeper's licer
and beer license were the only ones issued; at the pr
have eight classes of licenses, and four different grades
making eleven distinct licenses issued.

[The commissioners of excise expenditures referre
Barrett's testimony was here introduced in evidence
Exhibit 11. The same will be found at the end of to-day's

The WITNESS.—I might state here that the former bo
sked the board of estimate and apportionment in 1888
riation of $25,000 to enable them to prosecute bon
onds had been forfeited by conviction, and that amoun
r the board of estimate and apportionment.

By Senator FASSETT:

Q. Mr. Gale, have you now accounted as far as you
uses of increased expenditures? A. As far as I reco
ne.

Q. That is, three application clerks, $3,600? A. Yes, s
Q. One secretary at $3,000? A. Yes, sir.
Q. One assistant secretary at $2,000; six inspectors, $9,00

Q. Increase in the legal department, $2,500? A. Yes, s
ries of all inspectors have been raised from 900, whic
t in 1886, to 1,200 at the present time.

I asked a minute ago, six inspectors at $1,500? A.
ectors were formerly paid $900, the

By Mr. IVINS:

Q. The stenographer is appointed after a competitive examination, is he not? A. Yes, sir.

Q. That accounts for $37,300 of the increase? A. Well, the increase in the force you have not gone into yet; the increase in the force is nearly double; the letter sent to the board of estimate and apportionment for 1887 and 1888 covers the matter, I think, completely.

Mr. IVINS.— That you will find out by those records which I proved by Mr. Barrett, and which state those facts fully. If you want we can show it right in this connection.

The WITNESS.— We state the reasons for asking the increase and what it is for.

Mr. LEVENTRITT.— I will call the Senators' attention to the fact that the entire appropriation of $143,700, was not expended.

Senator FASSETT.— I was going to ask if there was any unexpended balance for each of these years, and if so, what these unexpended balances were?

Mr. LEVENTRITT.— The statement marked in evidence shows the amount expended was $136,670, from 1889 to 1890.

Senator FASSETT.— Seven thousand less.

Mr. LEVENTRITT.— That was $7,000 less than the appropriation.

Senator FASSETT.— That was in 1889?

Mr. LEVENTRITT.— May, 1889, to May, 1890.

Senator FASSETT.— Was there any unexpended balance for the year previous?

Mr. LEVENTRITT.— No, sir.

Senator FASSETT.— They used it all up for that year?

Mr. LEVENTRITT.— Well, we have four or five dollars.

Senator FASSETT.— So the increase is actually $58,000 from 1888 to 1890. It would have appeared in the first instance as if it was greater.

By Mr. IVINS:

Q. In that connection, explain those two exceptional items, $13,498, and $7,711, under the title of "Detective Service?" A. When the new grade of license, Class 6, was issued, the sale of ale, beer and wine had a fee of fifty dollars; the president, if I recollect right, of the Liquor Dealers' Association, complained to the board that a great number of saloon keepers would take out a license at fifty dollars, and continue to sell whisky in opposition to the fee of $200 paid by the other dealers; the board then decided to organize a corps of detectives, who were to ascertain the names and places, and time of sales

procure for the committee copies of th
tory of the system and for the reasons of requesting
tions, which was sent by the last board of excise to t
estimate and apportionment, that is the Woodman
Glahn board? A. Yes, sir; one letter-book which I
tains the letter of 1888.

Q. Let us have that letter then?

Witness produced the letter, which was read in evide

OFFICE OF THE BOARD

May 22, 18

Hon. ABRAM S. HEWITT, *Mayor, Chairman of the Board o*
Apportionment:

SIR.—The board of commissioners of excise estimate t
163,100 is necessary to defray the expense of a proper
administration of their office for the year ending April
hereby respectfully request the appropriation of that
e excise fund.

The estimate in full is as follows: Three commissione
5,000; counsel, $5,000; secretary and chief clerk, $3,0
retary, $2,000; cashier, $3,000; assistant cashier, $
raper, $3,000; law clerk, $3,000; application clerk, $2,000
application clerks, at $1,200, $2,400; record clerk, $1,2
clerk, $1,200; chief inspector, $2,500; deputy chie
00; two general inspectors, at $1,800, $3,600; twe
ectors at $1,500, $18,000; forty-nine inspectors at $
00; janitress, $800; two scrub women at $240, $480;
$2,520; stationery and printing, $4,000; contingenci
tive service, $25,000;

amount expended by our predecessors during the year referred to; in other words, for every dollar of increased expenditure in the administration of the affairs of the board of excise during the past year, the city has received in return $10.86. Notwithstanding the fact that the revenue is more than doubled, the number of saloon licenses has been decreased, while the population of the city has increased. For the current year we ask an increase of $17,580 over the amount asked for in our estimate of last year. Of this amount $15,000 is due to an increased estimate for detective services. The amount of money devoted to the detective service during the past year was $13,494.15. As a direct result of that the city has already received $69,210, and a large number of cases are still pending. Upon the testimony furnished by the detectives employed, 567 licenses were revoked, being a far greater number than the total number of revocations from 1870 to 1887. While the fees have been extended for most classes, nevertheless, a large portion of the increased revenues has resulted from the measures taken to discover persons selling without a license, or new owners of saloons selling under license issued to other persons, and to compel such persons to take out licenses, a result which could not be obtained but for the increased appropriations for the past year. The amount of work done in preventing the unlicensed selling, is shown by the fact that while the number of licensed saloons or drinking places is now considerably less than a year ago, the number of storekeepers' licenses to sell, not to be drunk on the premises, issued to storekeepers, grocers, who lesale dealers, beer peddlers, and others formerly selling without licenses, has been greatly increased, giving a largely increased revenue from that source.

The number and grades of employes and the salaries to be paid them, as estimated for the current year, is the same as was authorized by the board of estimate and apportionment for the past year, with the exception that we ask for an increase of the salary of our cashier from $2,500 to $3,000. The cashier fills a very responsible position and gives a large bond for the performance of his duties. The amount asked for is not larger than the amount paid for the services in other departments.

We also ask for an increase of $300 in the salary of the assistant cashier who is also a bonded officer.

We ask an increase in the salary of the stenographer from $2,500 to $3,000. In no department of the city are the duties of the stenographer so arduous as in this board. The stenographers in the courts receive perquisites which the stenographer in this board does not. During the past year the board has held 952 trials, in reporting which

party. The amount of work devolving upon the coun
of excise makes it absolutely necessary that he
assistant, and that that assistant should be a trained
lawyer. The salary of $3,000 is far from excessive f
as is required and is employed.

It should be said in connection with this request
salaries, that the cashiers, stenographer and law cler
to work after office hours and perform extra service
can not receive extra compensation. The work of the
that the commissioners and certain of the employe
frequently late at night.

In this connection, we desire to refer to the supple
for legal services, submitted herewith, and we al
additional general inspector, and we also desire to e
tional scrub women at $240 each.

For the past year the amount appropriated for d
was $10,000, which was increased to $15,000 by tr
February 9, 1886. The amount actually expended
service was $13,494.15. During the early part of last
our not having perfected and put into full operat
adopted by the board, it was unnecessary to expend
estimated for. The amount actually expended was
than the amount of our estimate for the year, and $5,
the amount finally appropriated, leaving the last
returned to the city treasury. The pledges we mad
increased appropriation one year ago have been fulfi
received increased appropriations of $67,904 over the
of the preceding year. We returned a revenue of $5

a proper administration of our office, will be returned to the city treasury in the same manner as we returned the unexpended balance this year.

Respectfully submitted.

CHARLES H. WOODMAN,
WILLIAM H. ANDREWS,
Commissioners.

By Senator McNaughton:

Q. The pay of the inspectors was increased in 1886, was it not? A. It was increased in December, 1886.

Q. And the reasons given for the increase by the then commissioners? A. That a new class of men were taking the places of former inspectors.

Q. I show you the report for 1886; please read that? A. [Reading.] "We have increased the pay of our inspectors as far as the limits of our appropriation will permit; the highest salary now paid is $1,500 per annum; formerly the pay was $900 for all, excepting three general inspectors, who received $1,200; the inspectors of excise should be men of character, integrity and self-respect; they are liable to the temptation of petty bribes, and there is evidence that custom has permitted their acceptance of gratuities; we are determined to break up this practice, and we have felt that where men subject to such temptation are expected and required to resist it, they should receive an adequate compensation."

Q. Then the increase from $900 to $1,200 did not occur the first time when this appropriation of $144,000 was made? A. The force was decreased to allow that increase in salary to be made, up to April 30, 1887, when the new appropriation went into effect.

Mr. Leventritt.— There was another communication addressed to the board of estimate and apportionment by the commissioners of 1886 that I desire to have read.

Mr. Ivins.— If this witness will step down for a moment, I desire to call several business men, to allow them to go back to their business.

Senator Fassett.— Mr. Gale, have the commissioners of account ever had occasion to investigate the books of the excise department?

The Witness.— They were investigated in 1888 by a clerk sent from the commissioner of accounts.

Q. Did he make any report of the results of his investigation? A. I have never heard of any.

Q. How long was he there? A. He spent about ten weeks, I think.

Q. You have never heard of any report, have you? A. Never.

Q. What was the clerk's name? A. Leo Sonnenberg.

One Hundred and Thirty-second street ar
A. Yes, sir.

Q. Have you ever been in it? A. Once, I think.

Q. Is it right in your neighborhood? A. Yes, sir.

Q. So that you can properly call yourself a neigh
A. Yes, sir.

Q. What is the character of the place? A. I do
about it.

Q. Have you ever heard, as a neighbor of the place
its character? A. I have heard, it has been hinted
sell on Sundays.

Q. Has it been hinted to you that they sell after hour

Q. Has it not a reputation in the neighborhood
that is open habitually on Sundays and after 1 o'cloc
Not that I know of.

Q. Do you know by what class of people it is frequ
sir.

Q. Have you ever yourself been there on a Sunday
after 1 o'clock at night? A. No, sir.

JAMES STEELE, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Where do you live, Mr. Steele? A. One hundr
One Hundred and Twenty-second street.

Q. That is in the neighborhood of the Mansion Ho
A. Yes, sir.

Q. Do you know what the reputation of the Mansi
the neighborhood for selling on Sundays or being open
A. Not very good.

Q. A pretty tough lot go there? A. A pretty tough lot go there; I live right opposite.

Q. You can see the toughs go there; tell us what you do see? A. In my opinion, they do more business on Sunday that they do in the week; young men and girls go in there and come out with pails; you can sit in our place all day and see them; there are two side doors.

Q. You can see men and women go in and out in pairs? A. Yes, sir.

Q. And on Sundays more than any other day? A. I do not have much time to look during the week, but sometimes I have seen them going in.

Q. Isn't that to you, as a neighbor living immediately opposite, an offense? A. Yes, sir; I think so.

Q. Do you not regard it as a corrupting influence in your neighborhood that should go on? A. Yes, sir.

Q. Haven't the police officers quite as good means of discovering what goes on there as you have? A. Well, I should think so.

Q. Do you not consider it is their duty to discover it, and that is one of the reasons why you are taxed as a citizen? A. Yes, sir.

Q. Whereas you are under no duty to discover or report? A. I see all this; I never reported it or said anything about it.

Q. Are you a taxpayer, directly or indirectly, here in the city? A. I own no property here in the city; I have lived there about two years.

Q. You work here? A. Work at carpenter work; yes, sir.

Q. Pay rent? A. Yes, sir.

Q. And probably then pay some taxes in that rent? A. Yes; I guess so; according to the rent.

Q. Well, you are a voter here? A. Yes, sir.

Q. Do you know of any reason in the world why a police officer should not be able to discover, in the performance of his duties, what you discover in the performance of no duty whatever? A. Well, I should think they could.

S. I. Hirshman, being duly sworn, testified as follows:

By Mr. Ivins:

Q. Where do you live? A. Two hundred and ninety Bowery; that is, there is where my business is; I live in Seventy-ninth street.

Q. What is your business? A. Furniture dealer.

Q. Do you know the place 294 Bowery, which is a saloon, in your neighborhood? A. Yes, sir.

neighborhood? A. I think it is not an A one reput

Q. It hasn't a good reputation? A. No, sir.

Q. What is its reputation in the neighborhood? seen women folks go in there.

Q. You have seen women go in? A. Yes, sir.

Q. Do you see men go in there? A. Yes, sir.

Q. Do you see women and men go in and out? A

Q. Is it not a fact that that place, in the neighbor tation for disorderly men and disreputable women not answer; because I never bother or go in the plac

Q. Is not that the reputation in the neighborhood

Q. Is that what people talk about it? A. Yes, sir.

Q. Isn't it understood among the neighbors t women go there? A. Yes, sir.

Q. And that equally disreputable men go there?

Q. And that they meet women there? A. I can n

Q. Isn't that the reputation? A. Yes, sir.

Q. Is not it a reputation in the neighborhood that there to drink and meet men? A. I can not tell you

Q. Is not that the reputation in the neighborhood; the neighbors talk about it? A. Yes, sir.

Q. Did you ever make a complaint? A. I never m

Q. Either to the police officers or to the board of ex

By Mr. IVINS:

Q. Do you know of any reason why the police off learn as much about that as you have? A. I am surp

By Mr. LEVENTRITT:

Q. How long have you been there? A. One year.

Q. And during the whole course of that year, though you had heard that this place was of questionable character, you made no complaint? A. I never had cause to make any complaint because I never bother with other people.

By Mr. Ivins:

Q. This is a concert hall? A. I only hear a band of music there, that is all I know about it.

Q. The music is very audible to the people going and coming and passing on the street? A. Yes, sir.

By Mr. Leventritt:

Q. How many people have you talked to about the character of this place? A. All of my neighbors.

Q. How many? A. I spoke yesterday to a man named Callahan, and he said also it was a nuisance.

Q. Is that the only man you have spoken to about the character of this place? A. Yes, sir.

Q. Is that the only one? A. On account that I never bother with other people's business.

Q. And from the fact that Mr. Callahan made a statement to you, you swear it has not a good reputation; do you base your opinion or report in regard to the character of this place solely on what Callahan told you? A. No, sir; he told me he was of the same opinion as I am.

Q. Where did you get your information from? A. I suppose I ought to know when I live two doors below, what kind of a place it is.

Q. Do you say you observed it, or heard it from other people? A. I have got my own opinion, what I believe, what I hear about the place, and what I testify here I think is true.

Q. It is because you saw women go in there that you thought were tough women? A. That is what I believe.

By Mr. Ivins:

Q. Do you know who keeps the place? A. I see the name there of Gombossey.

Q. Do you know whether they had a good deal of a row there last night? A. I am not there at night, I close up at 6 o'clock.

Abram L. Isaacs, called as a witness, being duly sworn, testified as follows:

By Mr. Ivins:

Q. Where do you live, Mr. Isaacs? A. Four hundred and thirty-five West Twenty-eighth street.

you; no, sir.

Q. Have you ever known it open at night? A. W
you whether it is open at night, because I am
9 o'clock.

Q. Have you ever seen the class of people who
that place? A. I have seen them go in during the
Q. Do you go in in the daytime? A. No, sir.
Q. You have seen men and women go in there tog
not notice that.

JOHN MICHAELS, called as a witness, being duly s
follows:

By Mr. IVINS:

Q. Where do you live? A. Twenty-fifth street.
Q. What is your business? A. Shoe-shine.
Q. Do you know where Peterson's place is on
A. No.
Q. Two hundred and eighty-four Eighth avenue?
Q. You know that place? A. Yes; next to my plac
Q. Next to where you shine? A. Next door; yes.
Q. Do you shine on Sundays? A. Yes; it is
Sundays.
Q. Do you see people go in and out there on Sunds
Q. You do not see anybody go in and out? A. No
Mr. IVINS.—I will prove by other witnesses that th
been open at specific times on Sundays and after hou

JAMES CURRY, called as a witness, being duly sw

Q. Do you know Gombossy's place? A. Yes, sir.

Q. No. 294 Bowery? A. Yes, sir.

Q. That is in your precinct? A. Yes, sir.

Q. What are the duties of a ward detective? A. To look after the welfare of the precinct, to suppress all disturbances within the limit of the precinct.

Q. You are an ununiformed police officer? A. Yes, sir.

Q. You have a uniform but you do not always wear it? A. Yes, sir.

Q. Most of your duties are performed outside of your uniform? A. Yes, sir.

Q. And you are supposed to generally be about your precinct? A. Yes, sir.

Q. Not patrolling it but visiting all the notorious and disreputable places in it? A. Visiting places where we think it is necessary to go to prevent any crime.

Q. You are supposed to have a knowledge of all the questionable places where crime may exist in your precinct? A. Yes, sir.

Q. In the prosecution of that business you know Gombossy's place? A. I do.

Q. How long have you known Gombossy? A. About a year.

Q. How long has he been at 294 Bowery? A. August, 1889; he came there first.

Q. Who had the place before him? A. Eismann.

Q. What Eismann? A. Wm. Eismann.

Q. The place had theretofore belonged to the so-called Charles Eismann? A. Never to my knowledge.

Q. Has the place a bad reputation in the neighborhood? A. No, sir; I never heard of it.

Q. How long have you been in that precinct? A. Four years.

Q. What steps do you take to find out whether a place has a bad reputation or not? A. By visiting it.

Q. How often have you visited Gombossy's? A. Ten, fifteen, twenty times.

Q. During the time he has had the place? A. Yes, sir.

Q. How often did you visit that place during the time that Wm. Eismann had it? A. Not often.

Q. How often? A. Three or four times.

Q. How long did Eismann have it? A. I couldn't say.

Q. Then you visited that place during the last four or five years eighteen or twenty times? A. Yes, sir.

Q. Or in other words about four or five times a year? A. Oh, yes; more than that.

the mayor's license? A. No, sir.

Q. Do you know who did? A. Officer Johnson.

Q. Officer Johnson made that inspection? A. Yes, si

Q. Do you know to whom Officer Johnson reported th
A. I do not.

Q. What would be the practice in such cases; to
captain? A. To report it to the captain.

Q. The captain would report it to the superinten
superintendent would report it to the board? A. Yes,

Q. And the board would send it to the mayor? A.
the commissioners.

Q. What kind of performances are carried on there
singing, music.

Q. There are girls there, are there not? A. Yes, sir.

Q. Are they ladies or females; we have had both
A. They are ladies, I should judge.

Q. Now, you say different kinds of performances go o
describe to the committee what went on last night, and
played in that performance? A. I was not there last nig

Q. Did you make some arrests at Gombossy's? A. No

Q. Who did make the arrest last night? A. I don't kn

Q. Were there not some arrests made? A. Not that I

Q. Was there not a good deal of a row there last night?

Q. Have you not heard of any? A. There was a mus
before; I had a night off that night; my partner informed
morning.

Q. Who was your partner? A. Officer Sheridan.

Q. You and he cover the same ground?

Officer Johnson describe to you as the character of the muss that took place there the night before? A. Officer Johnson did not speak to me at all about it.

Q. Officer Sheridan, I mean? A. He told me that there was some trouble between one of the waiters and a bartender, they had some muss up there, and it was reported to him, and he went up there; and this fellow that had the muss with this man that came in had disappeared, and he couldn't find them.

Q. Were there any arrests made? A. No.

Q. Is the man who came in and had the muss arrested? A. No, sir.

Q. The bartender was not arrested? A. No, sir.

Q. But there was a decided muss? A. He cleared out; he did not make himself visible at the time; he got out of the way.

Mr. Ivins.— We will call Officer Sheridan. I wish when you go up you would ask the captain of your precinct to send Sheridan down this afternoon.

The Witness.— Yes, sir.

By Senator Fassett:

Q. How much territory do you cover? A. From one side of Bleecker to one side of Hester; one side of the Bowery to Broadway.

Q. And this is the ground over which you have to go? A. That is the boundary; yes.

Q. How much territory is it; how long is it; how far? A. I should judge about — it aint quite a mile.

Q. Are there many drinking places in your territory? A. Yes, sir; quite a number of saloons.

Q. Are there any pretty tough saloons over there? A. None that I know of.

Q. No saloons that are habitually the resort of gamblers and thieves over there? A. Gamblers and thieves on every side of me, but they act like gentlemen while they are there.

Q. Is there any particular place there that is a greater favorite of men that you regard as crooks than any other place? A. No, sir.

Q. If you heard that a crook was over there and you were looking for him, what place would you go to over there? A. I would go to the place I heard he was at.

Q. If you heard he was in your precinct, but not in a particular place, where would you go to? A. I would look the whole precinct over.

Q. Where would you go to first? A. I would go
the most likely place on the Bowery and down town
Q. Where would be the most likely place? A. I
could not pick any out.
Q. Is Gombossy's a better place than it was two o
A. Just about the same; the people conduct themsel
Q. The people conduct themselves properly whil
after they get in there and before they get in the
people frequent the place? A. I don't know.
Q. Is it not your business to know what crooks v
the city? A. Yes, sir.
Q. Did you ever see anyone in Gombossy's that
crook? A. No, sir.
Q. You never did? A. No, sir.
Q. Is that the only place in your beat that you n
in? A. Yes; I have seen a crook visit, on a couple
the Occidental Hotel, walk in and call for a drink
out.
Q. You saw a couple of crooks once in the Oc
A. Yes; walk in and get a drink and then walk out.
Q. You think this place then is one of the best
district? A. No; it isn't better or worse, as far as I c
I have noticed.
Q. There is not any difference? A. According t
conduct themselves.
Q. You want to be understood as testifying here tha
good a place as there is in your district? A. I didn
wrong about it.

By Mr. LEVENTRITT:

Q. What territory did you say you cover? A. From one side of Bleecker to one side of Hester, one side of the Bowery to Broadway.

Q. Was there assigned to you the duty of making inquiries as resulting from an application made the 7th of April, 1889, by the board of excise, addressed to the police board; was that duty assigned to you? A. No, sir.

Q. Do you know whether an investigation was made by the police board and a report turned in to the board of excise as the result of their investigation? A. No, sir; previous to a short while ago there was always a man detailed to the duty on excise.

Q. You were not assigned to a duty of that kind? A. No, sir.

Q. So that you do not know anything about the report? A. No, sir.

Q. Do you know that any report was made at that time by the police department to the board of excise? A. I do not.

Mr. IVINS.—I will recall Mr. Costigan for the purpose of putting in his statement.

THOMAS COSTIGAN, recalled.

By Mr. IVINS:

Q. This statement showing the number of complaints for excise violations, wherein witnesses were subpœnaed and papers (1) prepared for action of the grand jury; (2) indictments found; (3) complaints dismissed; (4) total disposed of in each month since May 1, 1889; that is correct? A. Yes, sir.

Q. We will take the month of January as an illustration, for the purpose of showing how they ran; there were 322 witnesses in cases subpœnaed; there were eighty-three cases in which indictments were found; there were forty-three cases dismissed; which made the total disposed of 126; now, is there anything else that you want to explain with regard to this paper? A. I have added what the chairman of the committee desired me to, and I desire to say, as a matter of fact, that there are always as many complaints coming before the grand jury as the grand jury are willing to hear; invariably the calendar of excise cases before the grand jury is larger than that body disposes of in any one month; in regard to the trials, of course being bail cases the other prison cases take priority, and there are certain bail cases of that magnitude that a man could be tried in advance of this kind of cases.

[Paper marked Exhibit 12 of this date.]

Adjourned until 2.15 P. M.

By Mr. IVINS:

Q. What is your full name? A. R. W. Petty.

Q. Your full name? A. Oh; Robert W.

Q. Do you know Gombossy's place in the Bowery

Q. Have you ever been there? A. Yes, sir.

Q. When were you there? A. On the sixteent Friday night.

Q. Last Friday night? A. Yes.

Q. Just describe what you saw there to this comm they had music and singing and drinking; and th women there; they looked like immoral women, and with the audience and drank with them; moving aro audience.

By Senator FASSETT:

Q. Moving around among the audience? A. The the stage, singing; when they were not singing they audience.

By Mr. IVINS:

Q. Drinking? A. Drinking; after they got throug changed their costume, and then went directly into the

Q. That is, after the performance was over? A. Y the performance they had a loose gown thrown over while they were with the audience.

Mr. IVINS.—I call the attention of the committee to there is a provision of law that performers shall not, in co with the audience in places that

Q. Well, they then solicited men to drink, did they? A. I can't say they did; they were called to the tables and accepted the invitation.

Q. Of such men as there were there? A. Yes, sir.

Q. What was the class of men in the room; did they look like sporting men? A. Well, the men were a rough class of men, but they behaved themselves very well.

Q. Would this be characterized properly as a moral show? A. Well, I shouldn't think so.

By Senator Fassett:

Q. A bawdy-song sort of place?

By Mr. Ivins:

Q. How did what you saw of the performance and the audience and what was going on there, impress you as to its impropriety? A. Well, I wouldn't think that any lady or gentleman would go into the place.

Q. Have you been there more than once? A. No, sir; I have not.

Q. Was any one with you on that night? A. No, sir.

Q. Do you know of any one else who has been there, and who can describe the premises or what took place there? A. Well, I believe not.

Mr. Ivins.—That is all; I shall call this witness again as to other places, but I want to put this evidence in now as connected with Gombossy's place particularly.

By Senator McNaughton:

Q. When was this visit made by you? A. On last Friday evening.

Q. Have you made a complaint to the board? A. No, sir.

Q. Or to a policeman? A. No, sir.

Q. Are you in the habit of visiting those places? A. No, sir.

Q. This was the first time you ever went to Gombossy's? A. Yes, sir.

Q. You never were there before? A. No, sir.

Mr. Ivins.—Anything else?

Senator McNaughton.—That is all.

Cross-examination:

By Mr. Leaventritt:

Q. Did you go there specially to find out the character of the place? A. Yes, sir.

Q. Who requested you to go there? A. To represent the press.

What is that man's name that was on h

Senator FASSETT.— Detective Curry was here.

Mr. IVINS.— The other man, what was his name?

Senator FASSETT.— Sheridan.

Mr. IVINS.— Officer Sheridan?

Senator FASSETT.— Yes; there [indicating] he is; that is all, Mr. Petty, for the present; [to counsel] d to stay?

Mr. IVINS.— Yes; we will recall him.

JOHN SHERIDAN, called as a witness, being duly sw follows.

Direct examination:

By Mr. IVINS:

Q. What is your business, Mr. Sheridan? A. Police

Q. How long have you been on the force? A. G years.

Q. What are you, a detective or a patrolman? attached to the tenth precinct.

Q With Officer Curry? A. Yes, sir.

Q. And you are the officer to whom he referred partner? A. Yes, sir.

Q. Do you know Gombossy's place in the Bowery? A

Q. Just tell us what occurred there night before last seems as if there was a young man in there with a coupl and, as I understand, he was tossing up the glasses, and o stop, and he picked up one of the glasses and threw i nd smashed it, and a man named Walker

Q. Was any attempt made to arrest him? A. Yes; there was an officer—I met an officer as he was coming out of the place at the time, and Walker had cleared out.

Q. Has any other complaint been lodged against the man? A. I understand there is a warrant against him.

Q. On the part of the man whose teeth were knocked out? A. Yes; I met the officer on post and took the man's address and where he could be found in case we could get Walker.

Q. Was anything done to Gombossy? A. No, sir.

Q. Is that what a police officer would call "disorderly conduct" occurring in such a place? A. Yes; I certainly would call that disorderly conduct.

Q. Has any complaint been made against Gombossy for keeping a place which was a disorderly place? A. Not that I have heard of.

Q. Would it be your duty to file such a complaint after you had heard this story? A. Well, I would try to arrest Walker, instead of arresting Gombossy.

Q. We will let Walker alone for a minute; he appears to be safe now; why shouldn't you prefer a complaint against Gombossy for keeping a disorderly place? A. Well, I don't see how I should.

Q. Well, that was disorderly conduct, wasn't it? A. Well, but it was not intended; this party came from the outside; he [meaning Gombossy] don't want any such people coming into his place—he wouldn't allow them to come in there if he could help it.

Q. Who was Walker? A. It seems he was manager there.

Q. What is known as the "bouncer" at Gombossy's? A. Well, I suppose that is what they call it.

Q. Put there just to manage that kind of situation, wasn't he? A. He was put there to see that the waiters attended to their duties.

Q. Is there any necessity for a person to have a man employed to keep waiters in their places, in a place which is licensed to sell liquors in a concert hall in an orderly way? A. Well, I understand that he has to superintend over the waiters and see that they attend to their business, and that everything is carried out properly.

Q. How long have you known Gombossy? A. I know him since he started there; I guess about eighteen months.

Q. How often have you been in there? A. I drop in there occasionally, about once or twice a week.

Q. What kind of a performance do they have there? A. Instrumental and vocal music.

Q. Do girls take part in the vocal music? A. Yes; they come out and sing.

to these "gentlemen?" A. Well, that I couldn't s

By Senator FASSETT:

Q. You never saw any of them introduced, did you

By Mr. IVINS:

Q. The whole thing is a little bit loose on its f
Well, no more than what I saw in any concert hall
are sold.

Q. Tell us any other concert halls in which you s
thing. A. In Twenty-third street, in Koster & Bial's.

Q. Koster & Bial's have no liquor license, have the
don't know anything about the precinct.

Q. Tell us some other concert halls in which this sa
goes on. A. There is in Fourteenth street, at Theiss'.

Q. Do you know Koster & Bial's place on the corner
and Twenty-fourth street? A. No, sir; I do not.

Q. Do you know that Koster & Bial's has a place o
A. No, sir; I couldn't say that he has.

Q. When you speak of "Koster & Bial's" you me
hall, do you not? A. The concert hall; yes.

Q. On Twenty-third street, proper? A. Yes, sir.

Q. Do you know whether Koster & Bial's have two pla
couldn't say.

Q. Now, right down in your own precinct what other
are there? A. That is the only one that we have there t

By Senator FASSETT:

Q. Is that the only place where there is music? A.

something to drink? A. Not without they go out of doors; there is no place in our precinct in the Bowery where liquor is sold in the Bowery.

Q. Who was on duty there the night before last? A. Officer Devine.

Q. Was it part of the divine function to find out what they are doing in those places? A. Well, he was in the act of coming out when this man was struck, and I asked him what was the matter, and he told me he had gone in there to arrest Walker, and Walker had cleared out.

Q. Do you think that is a place that ought to sell liquor? A. I can't say that I have ever seen anything going wrong in it.

Q. Was this going wrong? A. Well, that is liable to happen in most any place.

Q. Do you, as a police officer, think it is wrong for a woman to perform on the stage and then come down from there and drink with the first man she may meet at one of the tables in the room? A. Yes; I couldn't tell but what they might be acquainted with them.

Q. I suppose you took it for granted that, inasmuch as you noticed no formal introduction, they were prior acquaintances? A. That is what I supposed.

Mr. Ivins.— That will do, officer.

Senator Fassett.— One moment.

By Senator Fassett:

Q. What class of men are patrons of this place of Gombossy's? A. I never seen anybody that really I could have any suspicion of that goes in and out of there; they are respectable men that go in and come out of there, so far as I know.

Q. Some men that go in and come out of there are respectable? A. Well, I haven't seen anyone there that I could call anywhere out of the way.

Q. You have been a police officer for fifteen years? A. Yes, sir; going on fifteen years.

Q. It is part of your business to be acquainted with the "shady" characters? A. Yes, sir.

Q. Acquainted with a good many crooks? A. Yes, sir; a good many characters.

Q. If they went there and you would go there and see them? A. I would, certainly.

Q. Now, how does this place compare with the other places in your precinct? A. Well, that is the only place that we have got that is a concert hall.

looking after the waiters, so far as I u
head waiter.

Q. If there is any disturbance in there, his business
the gentlemen making the disturbance, isn't it? A
first muss of the kind that I ever heard about in there

Q. How long have you been in this precinct? A
years.

Q. Did you know this place under his predecessor?

Q. Just as nice a place then as now? A. Well, he
billiard hall.

Q Did you know women to be there in those days
seen any when the billiards were going on there.

Q. You have never seen any people in Gombossy's
thought or knew were crooks? A. No, sir; I never did

By Mr. Ivins:

Q. Do you know Louis Steckler? A. No, sir; the law

Q. Yes; the corporation attorney? A. I have seen
acquainted with him to speak to him.

Q. Is Gombossy's place in his district? A. No; his
the other side of the Bowery.

Q. And this on the other side of the street? A. On t
of the street; yes.

Q. Just off his district? A. That is his district [indica

Q. Have you ever seen Louis Steckler there? A. No;
seen him in the place.

Q. Have you ever seen Louis Steckler in Gombossy's
Never.

Q. Who reported this ruction to

Walker struck him and knocked out two of his teeth, and made his escape then.

Q. Do you know whether the officer reported that? A. He reported it to the station-house, and I asked him to take the man's name and address in case we found we could get Walker, and to report it at the station-house

Q. Do you know how long it was after this man swallowed his teeth before the officer appeared on the scene? A. I didn't think it was very long because I met him coming right out.

Q. How do you account for it that Walker got away? A. Well, I don't know.

Q. Walker is a well-known man? A. Yes; I know him well by sight.

Q. He is a politician in his district, is he not? A. No; no; not at all; that is about the only thing that he does, is wait on the tables; that is about the only thing that I know him to do.

Q. He "bounces," doesn't he? A. That is about the first "bouncing" that I ever heard of in that place.

Mr. Ivins.— Will the chief inspector take the stand? Is Mr. Duncan here? Just see if you can find him out there?

Thomas F. Duncan, called as a witness, being duly sworn, testified as follows:

Direct examination:

By Mr. Ivins:

Q. What is your business? A. Chief inspector of the board of excise, sir.

Q. How long have you been chief inspector? A. Since the first of last June.

Q. By whom were you appointed? A. By the commissioners.

Q. Who recommended your appointment? A. Richard Croker.

Q. What is your salary? A. Twenty-five hundred dollars.

Q. Are you a member of the Tammany Hall general committee? A. Yes, sir; I have been on it.

Q. What district? A. Eighteenth Assembly district.

Q. That is Mr. Croker's old district? A. He formerly lived there; yes, sir.

Q. That is the district of which he was leader for some time, isn't it? A. Sir?

Q. [Repeated.] A. Yes, sir.

[Book shown witness.]

eral committee? A. I presume it is from some of the list of membership of the Tam
there.

Q. Who was the chief inspector before you? A. M

Q. He is not now in the service of the department?

Q. Was he a member of Tammany Hall? A. I coul

Q. What was your business before you became chie
In the register's office, recopying old records.

Q. How long have you been recopying old record
I was there about five years.

Q. Did your duties in the register's office, recopying
any way tend to qualify you peculiarly or particu
inspector of the excise board? A. I couldn't say, sir;
having had a previous knowledge of excise matters, havi
there in 1876.

Q. And you were there for how long? A. Up to 188

Q. As what? A. Inspector and application clerk; I
clerk at one time.

Q. Then you had had already a good experience in t
I think I had, sir.

Q. Now, describe to the committee what the duties of
are — what the duties of the chief inspector are, what
the special inspectors are, what the duties of the inspec
what control and authority the chief inspector has
inspecting staff? A. Well, I receive the applications an
entered in a book kept for that purpose; they are rece
two days after they are received from the application cler
ng been in the front room going through the various e
here; I received them as I said

his character is; if he was in any business before, they inquire there what character he bore in that, and if not, then from the people in the immediate vicinity of the place where he applies for the license; they thereupon make their reports back to me, and an entry is made of the return of the same and the examination is made of their reports, and I then turn the papers over to the secretary; the special inspectors are detailed there; there are two special inspectors; one that makes the entry, one that makes the examination along with the deputy chief inspector, and if a special inspection is required, where the report is not presumed to be accurate enough or definite enough, they are detailed and sent out for that purpose, and they can reinspect them when required.

Q. Now, how is your own time taken up? A. Well, by taking in their reports and examining them, also —

Q. Do you go over all their reports — do you check or countersign them in any way? A. Yes, sir; my signature is attached to the face of all applications, and in my absence the deputy chief inspector would do so.

Q. What does the deputy chief inspector do when you are present? A. He will receive reports from our inspectors, and also examine the reports, and, if the press of business is such, will fix up papers.

Q. Who is the deputy? A. Mr. Lehman.

Q. How long has he been in the business? A. He preceded me there; I couldn't say how long he was there before me.

Q. He was deputy chief inspector there when you went in? A. Yes, sir.

Q. And he is there still? A. He is there still.

Q. What is the deputy chief inspector's salary? A. Eighteen hundred dollars, I believe.

Q. Don't you think that one man could do that work as well as two? A. No, sir; I do not.

Q. Why not? A. Well, because the business is sufficient for both of us to take care of; I may be attending to one part of the business, as the examination of reports, and he might be doing the same thing; he would be receiving inspectors' reports, give the necessary papers to people making the necessary reports — inspectors' reports.

Q. Does he give out all of the blanks? A. No, sir; not all of them.

Q. What blanks does he give out? A. Well, for the inspectors' reports, as I told you; reports for change of ownership, and when a place is closed.

Q. Does he have control of all the blanks that are used by the inspectors? A. No, sir; it is a division of the labors between him and I.

great deal of mental strength, either.

Q. Then it is not a very heavy part of the work? it is very heavy.

Q. Now, what is the heavy part of the work don chief inspector? A. Superintending the inspectors' r

Q. How much do you supervise them; you read you? A. Yes, sir.

Q. What more do you do than read them over? entry is kept.

I was t[illegible] have a book of entry for them? A. Yes, sir

Q. D[illegible]s the books? A. Mr. Homan.

any [illegible] A special inspector.

inspe[illegible]e not made by either the ch

hav[illegible] A. Not as a rule.

th[illegible] assigned to that; now,

done to put dow[illegible]pector for completion

Q. Do you frequently o[illegible] all of them; ther

quate, inaccurate and irregular[illegible]cies occur; in t

Q. [Interposing.] As a rule, they a[illegible]t of the cases.

Yes, sir. [illegible]t it? A. We

Q. And are done quite creditably, so far as the inspe[illegible] that wo

cerned? A. Yes, sir. [illegible]s, wou

Q. So that the work of supervision and check[illegible] omit

heavy in that regard? A. Not when the work [illegible]

Q. And it is generally done properly? A[illegible]

ente[illegible]

two day[illegible]

ing been in [illegible]

there; I receiv[illegible]

Q. Is it done improperly in ten per cent of the cases? A. Well, as I stated before, there might be an omission of a word; that would not make it altogether an improper report, but it would not be definite.

Q. In those reports that I read I found a good many words omitted, as I read them over; but they seemed to pass, nevertheless; how do you account for that? A. I couldn't say unless you show me one of the reports.

Q. Well, we will turn up some of those; I noticed that the reports were quite sufficient or ample, but here and there there was a word omitted. A. It might not have any bearing upon the case.

Q. You would not return it in such a case? A. No, sir.

Q. You would return it for a failure to insert "good" before "conduct?" A. Not if it was requested.

Q. You have to have that word in? A. Yes, sir; to have a license.

Q. And every person who is licensed is only licensed for their good conduct? A. To the best of my knowledge; after they leave my hands I don't know what disposition the commissioners make of them.

Q. Have you tried to familiarize yourself with some of the most prominent and important places in the city, as chief inspector? A. I couldn't say that I have.

Q. Don't you think it is a part of your duty to inform yourself as to the best known and most notorious places? A. My duties principally consist of office work.

Q. Did you ever hear of Gombossy's place? A. Yes, sir.

Q. When did you hear of it? A. Well, this morning I heard of it.

Q. Well, how long have you known about Gombossy? A. Well, about four of five months; five or six, probably.

Q. Did you know, when Mr. Gombossy's application was in, Mr. Hoyle reported that it was one of the most notorious places in the city and second only to Billy McGlory's? A. No, sir; I did not.

Q. Did you see that memorandum attached to the papers before they went to the board? A. No, sir; I did not notice it.

Q. You don't know whether such a memorandum was attached or not? A. Not at the time; I made an examination of the inspector's report afterwards — Mr. Hoyle's to the commissioners.

Q. How did that memorandum get on there? A. After going into Mr. Hoyle's hands.

Q. Does it go from your hands to Mr. Hoyle's? A. Yes, sir; afterwards.

Q. What does it go into his hands for after it passes the chief inspector? A. For an examination of the map, to see the location, if

er going through the chief clerk's hands, with the slips
their action in the matter.

Q. Did you ever hear of Blank's place on Thirteenth
ird avenue? A. Yes, sir.

Q. What did you hear of that?

Senator FASSETT.— What is that place?

Mr. IVINS.— Blank's place, on Third avenue and Thirtee

The WITNESS.— I haven't heard anything in relation to th

Q. Have you ever been there? A. Once or twice, I believ
see what kind of place it was.

Q. Do you know what is meant by the police by
hippies?" A. I don't know as I saw any police report to

Q. Did you ever hear the word "chippy" used in your l
connection with police business, in any way? A. I have
ord used — not in my business.

Q. It refers to little girls; doesn't it? A. I believe so, s

Q. Have you ever heard of Blank's place being a resort
es?" A. No, sir.

Q. Have you ever heard of Adam Gander's place on Eig
Yes; I have heard of the place.

Q. What sort of a reputation has it? A. There is a v
ent in the Thirteenth street place once, and perhaps he c

Q. Did you say you went in there once? A. Yes.

Q. What did you see there? A. I saw a man and wo
ere, and a performance going on.

Q. What kind of a performance? A. Well, singing;
ll it exactly an operatic performance, but there was sing
age.

Q. Did they go behind the stage? A. I think that is where she went off, the one I saw.

Q. You didn't go behind? A. No, sir.

By Senator Fassett:

Q. Were they proper songs that were sung? A. I believe so, what I heard.

By Mr. Ivins:

Q. There was drinking and smoking and women, going on altogether? A. I saw drinking going on there.

Q. Were you there after the performance was over? A. No, sir.

Q. Would you think that Blank's was a proper place to license? A. saw nothing out of the way there, sir; those behaved themselves that were there the same as they would in Atlantic Garden.

Q. Did you see women come in unaccompanied by men? A. I did not; I believe it is a rule of the place not to permit them to go in unaccompanied by gentlemen escorts.

Q. Did you see women move from one place to another? A. I couldn't say that I did; I didn't remain long in the place.

By Senator Fassett:

Q. Is that rule of the place posted up somewhere? A. I don't know; I received the information somewhere; I heard some one say that is the rule; I believe it is the rule of the place.

By Mr. Ivins:

Q. Now, have you ever heard of or been in Adam Gander's place in Eighth street? A. No, sir.

Q. Never heard of it? A. I have heard of it, but I have never been in there.

Q. What have you heard about it? A. Nothing more than that such a place exists.

Q. Have you ever heard that it was a pretty rough sort of a place? A. No, sir; I did not.

Q. Have you ever heard that it was a place where the laws were systematically violated with regard to selling on Sundays and after hours? A. Have I ever been —

Q. Have you ever heard that it was such a place? A. No; I never heard that about that place.

Q. Now, have you ever heard about the "Mansion House?" A. No, sir; I believe it is up in the neighborhood of Harlem; I don't know that I can recall my recollection about it.

ty-Owners' Association in your department? A. The
mplaints?

Q. Yes? A. They would go to the secretary's hands, a
ceive them in the shape of a protest for entry in the p
r the benefit of the inspectors; such a report, if it came
ner than that I would have nothing to do with it.

Q. Didn't you know that that report had been filed until
ne Sixth Avenue Hotel mentioned in connection with this
on? A. I couldn't say anything about that; as I say, all
laints, when received, are entered; afterwards I return th
Ir. Gale.

Q. Did you ever hear of the "Alhambra," No. 352 Eigh
. Not to my knowledge.

Q. Did you ever hear of Peterson's, at No. 234 Eighth a
Io, sir.

Q. Did you ever hear of the place at No. 34 Bond stree
n the immediate neighborhood of the office.

Q. What kind of a place is No. 34 Bond street? A. Sor
lar to Blank's place, I believe.

Q. Is it a place where young girls go? A. I don't know t

Q. Is it a place where young women drink? A. Women

Q. And they are not old women or octogenarians, are
ouldn't say, sir.

Q. You know the difference between a young girl and an
. I would, sir.

Q. Well, they are not very old women, are they? A.
believe they are.

Q. You have seen men there with women? A. I have

Q. Have you ever heard of "The Mart," at 137 East Thirteenth street? A. Yes.

Q. What have you heard about that? A. That is a similar place to Blank's.

Q. Do you know whether they have music there? A. I don't know; I believe they did have at one time.

Q. Have you ever been there? A. Yes, sir.

Q. What did you see there? A. Just the same as in Blank's.

Q. Men and women drinking? A. Yes, sir.

Q. And women mingling generally with the men? A. Sitting at the tables, with their escorts, I presume.

Q. Now, would you take your wife there—are you a married man? A. Yes, sir; I couldn't say—

Q. Would you take your wife there? A. No; I don't know as I would.

Q. Would you like to see your daughter there if you had one? A. No, sir.

Senator FASSETT.—[To the witness.] A little bit louder there, please.

Q. Would you like to be seen there with a woman? A. I don't see that there would be anything wrong if a man happened to go to a place of that kind any more than I would to Atlantic Garden.

Q. Do you think that it is a respectable, proper place, for a respectable, proper citizen to be seen with a woman, be it his wife or anybody else's wife? A. Well, I couldn't say about that, sir.

Q. Well, what would you say about it? A. [No answer.]

By Senator FASSETT:

Q. Would you say that it was good evidence of a man's character to be seen there? A. That would all depend, sir, upon whether his business took him there, or whether he went there to see what was going on.

By Mr. IVINS:

Q. Now, what kind of business could take a man there, unless he was the landlord or sold the liquors for the place? A. Well, I couldn't say whether men take their wives there or not; as far as I am concerned I wouldn't ask a man whether or not it was his wife that I saw in company with him.

Q. You have lived in New York how long? A. Well, thirty-five years, or thereabouts.

Q. How old a man are you? A. Forty-two.

Q. Well, you don't think they are husbands and wive
thing they are; no, sir; I couldn't say as to that, whethe
Q. Now, are not the women who frequent that pla
dress and look like and are generally known as "public
A good many of them might be, sir, without my knowled
Q. Of course I don't ask for your knowledge; I am no
questions in any adverse spirit, and I don't want to
particular women who go there or anything else, but we
that one class of women go to prayer meeting on Fri
another class go to these places on Friday night; now
the same class of people, are they? A. I don't thin
haven't heard of any prayer meetings at those places.
Q. Now, do you know of Bayne's place, No. 390 Ei
A. No.
Q. Ever heard of it? A. No.
Q. Never been there? A. No, sir.
Q. Do you know Koster & Bial's place? A. Yes, sir.
Q. How many places has Koster & Bial? A. I only
place he has — on Fourteenth street.
Q. Do you know that Koster & Bial has a place on t
corner of Twenty-fourth street and Sixth avenue? A
has a place in Fourteenth street — hasn't he? I think
teenth street; I can't place it exactly; I was in one of hi
Q. Haven't they a place on Twenty-fourth street and
that is known as "an all-night place?" A. I don't
place, sir.
Q. Do you know ex-Police Captain Foley? A. Know
Q. Yes. A. Yes, sir.

Q. Where is the Compton House? Q. Twenty-fourth street and Third avenue.

Q. Who keeps the Compton House? A. I couldn't say; sir.

Q. What district is that in — what Assembly district? A. The Assembly district?

Q. Yes. A. That is in the Sixteenth Assembly district, sir.

Q. Hasn't the Compton House had a pretty rank sort of reputation for a good many years in that part of the community? A. I don't know, sir.

Q. Have you ever heard of the Compton House as being a well-known house of assignation? A. I may have heard of it.

Q. Isn't it the fact that it is reputed in that part of the community to be a well-known house of assignation? A. I couldn't say; I don't visit that part of the city a great deal, and don't know much about it.

Q. But tell us this — it is not much to your discredit — haven't you heard that it is? A. Haven't I what?

Q. Haven't you heard that it is? A. I have already said that I heard so.

Q. The Compton House has a license to sell liquors, though, hasn't it? A. I believe it has.

Q. Have you ever heard of the Bryant Park Hotel? A. No, sir.

Q. Do you know where it is? A. I presume from its name it is in the location of Forty-second street; I do not know of my own knowledge where it is.

Q. It is between Thirty-eight and Thirty-ninth streets on Sixth avenue; have you ever heard that that place was pretty well known to sporting men and sporting women? A. No, sir; I have heard nothing about it.

Q. They have a license to sell liquor in that place, haven't they? A. I presume so; reference to the precinct book will determine that.

Q. What steps as chief inspector, did you take to keep a record, if you keep any record, or to keep yourself informed, if you kept yourself informed, of the most notorious places in this city, so that applications for licenses to sell in those places may not pass, without having first fallen under your disapproval? A. They would be matter for consideration of the commissioners, after going to the clerk who keeps all complaints.

Q. Your check is simply a check as to the regularity of the inspection? A. Yes, sir; and the reception of the same from the inspectors.

Q. Suppose you personally were the unfortunate man who had had his teeth knocked out at Gombossy's, but were nevertheless the chief inspector, and the inspector who had reported on that place had

was your duty to sit down a little hard on such an insp
Well, with the knowledge of the fact that a complaint wou
n case of that kind, and would go to the proper clerk wh
s to attend to such a complaint, and that complaint
ttached to the papers and come before the commissioners
Q. Did you ever hear of Herman's garden, at 290 Eight
. No, sir.
Q. Do you know whether that is a place licensed for m
rmances or not? A. No, sir.
Q. Do you know whether that is a place licensed for m
rmances or not? A. I could not say, sir.
Q. Did I understand you to say you had been to Peterso
u did not know about Peterson's? A. No, sir.
Q. Did you ever hear of Meyer's, 207 Bowery? A. I bel
s, sir.
Q. Have you ever been there? A. I can not say that I
not know that I was.
Q. Did you ever hear of Lewis Gross' place, 255 Bowery
my knowledge.
Q. Did you ever hear of the National Hotel at 27 Bov
, sir.
Q. Have you ever been there? A. No, sir; I do not think
Q. This place of Blank's I have asked you about is genera
Blank's Winter Garden, is it not? A. I can not tell you
it.
Q. Did you ever hear of Thalia Hall, 185 Chrystie street

Q. Did you ever hear of Hirschberg's place at 41 Bowery? A. No, sir.

Q. Do you know the class of people that frequent that place? A. No, sir.

Q. Did you ever hear of the People's Assembly Rooms at 207 Bowery? A. I have heard of it, sir; that is, I know that such a place exists; I know nothing about the place.

Q. You do not know what class of people frequent it, or what they do there? A. No, sir.

Q. Have you ever heard of John Opp's, 311 Bowery? A. I know of such a place there; I do not know the class of people that frequent it.

Q. You have never been there? A. No, sir; not to my knowledge.

Q. Do you know anything about T. S. Brennan's at 116 Bowery? A. Is that on the corner of Canal street; I know the Brennan on that corner.

Q. I do not know whether it is on the corner or not. A. That is the only place I know of by that name.

Q. That is a place that people from Elizabeth and Hester streets go to, is it not? A. The Bowery?

Q. Yes. A. The corner of Canal is the only place I know of.

Q. Were you ever at Billy McGlory's in the olden time? A. No, sir.

Q. What? A. No, sir.

Q. You don't know what class of people went to Billy McGlory's? A. No, sir.

Q. You don't know whether the same class of people, and the same people, who used to frequent Billy McGlory's, now frequent Brennan's? A. I do not know; if it is the same Brennan, I do not think so.

Q. Do you know H. Pinan's place, Park row and Mott street? A. I know the place; I have not been there; I do not know the character of the people who frequent it.

Q. Do you know the place at 26 Bleecker street? A. No, sir.

Q. Do you know the place at 41 Bleecker? A. No, sir.

Q. Never heard anything about that? A. Not to my knowledge.

Q. Did you ever hear of Lynch's at West Fourth street and Worcester? A. No, sir.

Mr. Ivins.—That is all I care to ask this witness.

By Senator McNaughton:

Q. Mr. Duncan, your duties are not to go about to those places and see what is going on and make reports upon them? A. No, sir.

ertainly, sir.

Q. The row, referred to in Gombossy's place, might have any respectable barroom in this city, under the same circ ight it not? A. Yes, sir; it might have occurred in the Fif otel.

Q. Under the same circumstances? A. Yes, sir.

Q. It was directly put down? A. Yes, sir; as I understa

Q. In other words, it occurred because a person was diso reaking glasses on the floor? A. So I understand.

Q. Have you ever heard before of any occurrences of th at place? A. Never, sir; to my knowledge.

Q. No complaint entered? A. Never, that I know of, sir.

By Senator FASSETT:

Q. Mr. Duncan, how does the excise board know whether nt or the place is a proper person or place to be licensed? e have to rely upon the inspectors' reports.

Q. And you are the chief inspector? A. Yes, sir.

Q. It is no part of your business to know whether your port creditably or uncreditably? A. I could not possibly ound.

Q. It is not any part of your business? A. I do not so c

Q. Does the board itself have any means of certifying to th ss of inspectors' reports? A. In various ways as relat urches or schools in the vicinity.

Q. There are maps in reference to schools or churches? A

Q. Or missionary societies or institutions of that kind? A

Q. In other words, it is not any part of the business of the inspectors or the chief inspector to keep up a continuous history of the character of the places seeking licenses in the city? A. It is part of their duty to determine, as far as possible, the character of the party applying for the license and the place applied for, as far as they can determine; if no complaint has been entered against the applicant, or you have got no other evidence, it is presumed that the character of the man must be good until otherwise proven; I see no other method.

Q. How about the place itself, or are places not supposed to have character apart from the applicant? A. I suppose they are supposed to have, sir; a new party may come in and run the place differently.

Q. Has Billy McGlory's place got a license now? A. I can not say sir; I do not believe it has; I do not believe the place is licensed.

Q. Has Blank's place a license? A. I believe it has.

Q. How is it possible for Blank to get a license; he has no personal good moral character? A. In properly conducting his place of business.

Q. As long as there are no open rows and no slugging matches going on, the place is supposed to be conducted in an orderly manner? A. I should say so.

Q. The mere fact of a place being frequented by prostitutes, gamblers, thieves, crooks, thugs, does not make it a disorderly place? A. I do not know that such persons frequent that place; I suppose if knowledge of that fact existed, they would not get a license; I presume they behave themselves, and that is taken as an evidence of the fact that the place is kept orderly — as far as my knowledge goes —

Q. Then as far as any actually, incisive, satisfactory investigation into the actual moral character of a man or of his place is concerned, the whole scheme is a farce, is it not? A. I do not think so, sir; they endeavor to the best of their ability to find out the character of the men and places.

Q. Well, if there are any immoral men or places licensed in this city, it is because of the incapacity of the inspectors or the dishonesty of their reports that is what you mean? A. I do not know that it is.

Q. What do you mean? A. That they try to arrive, to the best of their ability, at the character of the applicant and the place.

Q. You mean the inspectors do the best they can? A. I think so.

Q. And if in spite of doing the best they can, improper men and places are licensed, it is because they are not up to the mark, is that it? A. Because they can not get knowledge of the facts, probably.

Q. Is there any reason why an inspector can not get any information that a newspaper reporter can get? A. No, sir; a man might

...ably the inspectors, if they do n
duty in making a thorough inspection of the place or the
the party applying, to the best of their ability.

Q. Then it is the inspectors' fault if any immoral places
are licensed? A. No, sir; not exactly; they might get re
the place that would state that the place was of good cha

Q. Do the police report on every place? A. Where the
they send communications to the captain of the precinct.

Q. What kind of a report is sufficient to raise a doubt, th
Inspector Hoyle in reference to the Gombossy place? A.

Q. If the inspector should report that a place was second
tion only to Billy McGlory's, and was the resort of pros
thieves, etc., would that report leave any room for dou
might.

Q. About what? A. About the character of the place.

Q. Is there any doubt about such report as that; how co
make a stronger report than that? A. That is pretty stron

Q. Would you be willing to grant a license on a place
inspector reported was second only to Billy McGlory's an
resort of prostitutes, thieves and gamblers; would you think
a proper place to license? A. Well, I could not say wh
nspector was all together right in his report or not.

Q. You could not tell whether he was reliable or not; have
nspectors on your force that are not reliable? A. His repo
e very strong in the way he would look at such a place.

Q. If the police afterwards reported that such place was o
adies and gentlemen consorted together to ...

how should you explain it, if that should turn out to be the fact; if there were a hundred, or fifty, or if there were twenty-five places in this city licensed, how would you account for it? A. I could not account for it, sir.

Q. You could not account for it at all? A. No, sir; I could not.

Q. Would it happen if the inspectors did their duty? A. No; I could not say that it would, if the inspectors would report their knowledge of that fact.

Q. If the inspectors did their duty, could it happen then, unless they are overridden by a police report? A. Well, that I could not answer.

Q. Or if the police did not report, could it happen, unless the excise commissioners were bound to issue a license any way? A. I could not say, sir.

Q. You can not give this committee any light, how it happens, if it is true, that there are fifty or a hundred places in this city have licenses that have no business to have them? A. No, sir.

Q. How are we going to find out whose fault it is, if such a state of things actually exist? A. Well, I could not say, sir; you have begun at the rear end of our bureau; probably if you had begun at the upper end you might have got the information.

Q. We had to take the unindicted end of your bureau? A. That is the only way I know to arrive at their reasons.

Q. You could not give a suggestion how it might happen that these places get their licenses? A. No, sir.

Q. Is it possible that it could be done through political influence? A. I could not say.

Q. You never had any information that would give you any light upon the subject? A. No, sir.

By Senator McNaughton:

Q. You know that before licenses are granted, the most thorough inspection possible is made under the circumstances? A. Yes, sir.

Q. And the reports are made in writing? A. Yes, sir.

Q. And examined by you? A. Yes, sir.

Q. Then reported to the commissioners and examined by them? A. Yes, sir.

Q. And afterwards if a complaint comes to the commissioners that a place which is licensed is being conducted in an improper manner, that report or complaint is followed up, is it not? A. Yes, sir.

Q. Immediately? A. Yes, sir; there is a hearing taken in the matter why the license should not be revoked.

lleged, it is not necessary; they try to find out if he has be
ess before, and if such is the case, to find out if there was
laint against him there, and it would be part of their duty,
omplaint, to see whether he was a proper person while in th
Q. How many persons would it be necessary for an inspe
o make the most thorough possible inspection of a place c
. Do you mean in the immediate neighborhood?
Q. Yes? A. Well, I should say three or four in the
eighborhood would know about the manner of conducting
Q. Did you ever act as an inspector? A. Yes, sir.
Q. In how many cases did you ask anybody about the mo
on of an applicant for a license except the licensee himself?
arties?
Q. Yes? A. I would make inquiries of people in the loca
Q. It is the exception where they do that, is it not? A.
arties, with a renewal, no complaints having been made, th
a complaint from the place or from a citizen if anythi
ook place; it is unnecessary in renewals.
Q. Your theory is that if any wrong places or persons ar
is in spite of the utmost vigilance on the part of the inspec
think so, sir.

By Mr. LEVENTRITT:

Q. It has been stated, I think inadvertently, that Mr. Hoy
port of this place of Gombossy's, that it was second
eGlory's; is it not a fact that the mere attention of Mr. I
tracted to a clipping from a newspaper to that effect? A.
sir.

instances of that kind where they make personal application for the purpose of satisfying themselves before they make a report to you? A. That is part of their instruction to do that where they are in doubt, but I can not recollect instances where it has been done.

Q. They have been instructed to do that anyway? A. Yes, sir.

Senator FASSETT.—They have the privilege of doing that?

Mr. LEVENTRITT.—It is their duty, they have been instructed to do it.

Senator FASSETT.—Will you make that perfectly clear, Mr. Laventritt; if the inspector has any doubt whatever it is his duty to apply to the police.

Mr. LEVENTRITT.—Yes sir; and it is not limited to this formal application, but he is instructed personally to go and make inquiry from the sergeant of police, for the purpose of satisfying himself.

By Senator FASSETT:

Q. Is that so, Mr. Duncan? A. Yes, sir.

Q. That is a part of his absolute, official, sworn duty? A. Yes, sir.

Q. And if he has any mental doubt to go and apply to the police sergeant? A. Yes, sir.

By Mr. LEVENTRITT:

Q. Something has been said about a "bouncer" at this place on the Bowery; is it not within your knowledge of fact that they are detailed very frequently to the highest and most respectable places in this city? A. Yes, sir; I have heard of them in the Hoffman House.

Q. There is nothing unusual or characteristic about that in this particular place in that regard? A. No, sir; not as I understand it.

By Senator MCNAUGHTON:

Q. Are instructions to inspectors in writing or verbally? A. Verbally.

By Senator FASSETT:

Q. I see an account here where there were six or eight or nine licenses revoked, they not having an interest in the business? A. Well, the presumption is, that they sold out and lost their interest in the place and the license was revoked upon that ground.

Senator FASSETT.—What does that mean, Mr. Gale?

Mr. GALE.—Charges or complaints are made to the commissioners that parties are selling liquor under another party's license.

Senator FASSETT.—The license having been obtained for the purpose of speculation, or the party having obtained the license afterwards parted with the place.

By Mr. Ivins:

Q. Do you know Mr. Francis Rednor? A. Yes, sir inspector.

Q. How long has he been an inspector? A. I could n long, sir; he has preceded me.

Q. What kind of an inspector is he; is he a pretty goo or is he a pretty bad inspector? A. He attends to there, sir.

Q. Have any complaints been made against Mr. Redno have been chief inspector? A. I do not know of any, sir.

By Senator Fassett:

Q. The complaints against other inspectors would not co A. No, sir.

Q. What is the force of this title of "chief inspector supervise the work of the other inspectors.

Q. And to draw $2,500 a year? A. Yes, sir; that is part

Frederick Goerte, being duly sworn, testified as follows

By Mr. Ivins:

Q. Where do you live? A. Twenty-nine Bond street.

Q. That is opposite and almost in face of 34 Bond stree A. Yes, sir.

Q. And 34 Bond street is used, part of it, for concer saloon purposes, is it not? A. I think so.

Q. The place is in the basement? A. Yes, sir.

Q. You, as a neighbor, see the people who go in and Yes, sir.

Q. Whom do you see go in and whom do you see

Q. That is, that you think to be bad women? A. Yes.

Q. The place keeps open all night? A. Yes; all the night; at any time I look out of the window I see the light.

Q. Has the place a good reputation in the neighborhood, or a bad reputation? A. Rather bad, I think, sir.

Q. You have heard it spoken of frequently? A. No, sir.

Q. But you have heard the neighbors talk about it? A. Yes, sir; many times.

Q. They don't talk about it with praise? A. Oh, no.

Q. They do not say good things about it? A. Oh, no; everybody thinks it is not good for the street.

Q. Have you ever made a complaint to the board of excise? A. No; never.

Q. Nor to a police officer? A. No, sir; a gentleman two or three days ago was in my place and asked me about it, and I told him I can't tell him; I can't give him any information.

By Mr. LEVENTRITT:

Q. You are a married man? A. Yes, sir.

Q. You live with your family? A. Yes, sir.

Q. What is your business? A. Machinery embroidery; my family live on the first floor and I have got my machines in the next.

Q. You have daughters? A. Yes, sir; three little daughters from eight to three years.

JULIUS GOMPEL, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Where do you live? A. Three hundred and forty-five Eighth avenue.

Q. Is there a liquor store at your place, or near your place? A. Well, there are a good many of them.

Q. State what liquor stores there are right around your neighborhood? A. There is one on the corner of Twenty-seventh street, one on the corner of Twenty-eighth street, and there is one between Twenty-seventh and Twenty-eighth streets.

Q. Is there one at 352 Eighth avenue? A. That is between Twenty-seventh and Twenty-eighth streets; yes, sir.

Q. That is known as the "Alhambra," is it not? A. Yes, sir.

Q. Do you know anything about the Alhambra? A. No; I know it is a saloon.

Q. Have you ever been in the Alhambra? A. No, sir.

Q. You do not know any more than that; that there is mu
n there? A. No.

GEORGE H. GALE, recalled.

By Mr. IVINS:

Q. Do you know Francis Rednor? A. I do.
Q. How long has he been in the department? A. I thin
ppointed in 1887.
Q. After a civil service examination? A. He was.
Q. Has he ever been reprimanded or complained of in th
ent? A. He has.
Q. How frequently? A. Three times, to my knowledge.
Mr. IVINS.—I offer a certificate of conviction of Francis R
rglary in the third degree, followed by a sentence to Sta
r five years; that is all.

By Senator MCNAUGHTON:

Q. Will you read to the committee the statement in th
Referring to a paper which had been produced before the co
[Witness reading.] "Statement of revocation of licenses
1889, to May 23, 1890, for the following causes: For s
inors, sixty-two; for not having interest in business, nine;
rly conduct, nine; for Sunday selling and exposure, forty-t
olating Class 4 license, eight; for violating Class 6 license
lling during prohibited hours, three; for selling on elec
ree; for causes not assigned, three; total, 147;" of thes
were revocations on hearings instituted by the board.
Mr. IVINS.—In regard to this conviction, it was prior to th

Senator McNaughton.—Is it not one of the questions they have to answer in the civil service examination, that he was never convicted of an infamous crime?

Mr. Ivins.—I think it is; but this committee has no jurisdiction there. He may have been convicted, and in this case it appears that he was.

By Senator Fassett:

Q. Is this a blank form with questions?

The Witness.—It is a blank form of application to be filled out and sworn to by the applicant for the position of inspector of excise.

By Mr. Ivins:

Q. This man by the way is a veteran of the war? A. Yes, sir.

Senator Fassett.—The conviction was subsequent to the war?

Mr. Ivins.—The conviction was subsequent to the war. It would seem to appear that if a man had only been in the war, no matter how often he had been convicted, it would make no difference.

By Senator Fassett:

Q. If it should turn out that there are fifty improper places and persons licensed to do business in this city, places that were almost notoriously bad, how would you account for it? A. It would depend a great deal upon whom the decision rested to decide that they were disorderly places within the meaning of the law.

Q. Upon whom does it rest when the application is made? A. It rests upon the judgment of the commissioners, upon the facts as laid before them.

Q. You would not give then, a general answer to that question? A. I do not see how I can only in that way.

Q. You would want to know the facts in each particular case? A. Yes, sir.

Q. How do you account for the Alhambra having a license? A. The Alhambra, as I understand it, has no license, and by the Alhambra, I mean the place known as "Thiess Alhambra," on Fourteenth street.

Q. Not this Eighth avenue place? A. I never heard that called the Alhambra.

Q. How about this place on Sixth avenue and Forty-fourth street? A. That place has a hotel license; the name is John Griffith's; it has been licensed a number of years, and I have never heard of any complaints against the place, until the present application was pending, and the nature of the complaints was two newspaper articles from the

complaints of protest
urned March twenty-fourth; the only complaint previous
l been a clipping from a newspaper, which was not very b
vas enough to hold the paper on my desk, and it was hel
til March twenty-seventh, when the other articles were cu
paper, upon which it got the reputation as being as
Glory's; upon that a police report was sent for, and it w
er the return of the police report that the license was grant
Q. Is it not a fact that the place was open and running dur
tire time the application for license was pending? A. I h
s open and running, but not selling liquor.
Q. Open and running as a concert hall? A. As a concert h
g soft drinks.
Senator FASSETT.— Such as soda water, ginger ale and moxi

By Senator MCNAUGHTON:

Q. Who can verify that? A. Inspector Hoyle can verify it.
Q. You have no doubt of the correctness? A. I have no
e correctness.

By Mr. LEVENTRITT:

Q. As I understand, this Francis Rednor was inspector pri
me of the present board of excise? A. He was.
Q. They had no power of removal? A. They had, onl
harges which were proven.
Q. Do you know the politics of Mr. Rednor? A. I under
a Republican.
[A blank application was here offered in evidence and
xhibit No. 13.]

Q. Is that your report, and is it accurate in that regard [presenting paper to witness]? A. Yes, sir.

[The record of conviction of Francis Rednor heretofore offered in evidence was here marked as Exhibit No. 14.]

Q. Have you made an examination of the records of the department for the purpose of showing the entries names, places and dates of the places certified by the board of excise to the board of police as having had their licenses vacated or revoked? A. Yes, sir.

Q. Are those the reports [presenting papers to witness]? A. Yes, sir.

Q. This is the complete report? A. This is the complete report; it begins June, 1888, and is brought down to April 10, 1890.

Q. That is an abstract of the books, and shows the entire number of places certified to the police as places in which revocations had been had? A. Yes, sir.

Q. Did you make an examination of communications from the board of excise to the board of police in regard to unlicensed places? A. Yes, sir.

Q. Is that an abstract of the communications from the excise board to the board of police of places which they have discovered to be running without licenses and so certified to the board of police for their action [presents paper to witness]? A. Yes, sir.

Q. How many are there of these? A. The abstract of the communications by the board of excise to the board of police is contained in that report.

Q. Does this report show you how they discovered that they happened to be running without a license? A. In some instances; it is usually stated, on information which the board has received.

Q. Have you made an examination of the books in the mayor's office and made an examination of the books in the office of the excise board for the purpose of discovering what places have been licensed by the mayor as places of amusement of one kind or another, and which of these places have licenses from the board of excise? A. Yes, sir.

Q. And is that the result of your examination of the license book in the mayor's office and of the books of the excise board [presents document to witness]? A. Yes, sir.

Q. That shows how many places were licensed by the mayor for excise licenses and which have not? A. Yes, sir.

By Senator FASSETT:

Q. It also shows what class of licenses these places have? A. Yes, sir; in a good many instances; in making up the statement, where the

). E. G. Gilmore, 582 Broadway, has no license from the
rd; 584 is licensed? A. Yes, sir.
). Is it licensed to Gilmore? A. No, sir; it don't say that;
t is the Metropolitan Hotel license.
). New York Theater Company, 316 Fourth avenue; No. 31
nse? A. Yes, sir; of course, I do not know the name of th
). All you have done is to show the theater license and
y have other kind of license from the excise board? A.
). Also where there are places immediately approximate,
y have licenses? A. Yes, sir.

By Mr. Ivins:

). Have you made a comparative study of the list of Ta
ll general committee and the members and employes of th
ard? A. Yes, sir.
). Is that the result of your examination [presents docu
tness]? A. Yes, sir.
). That shows in detail the names of the employes whos
on the list of the general committee of Tammany Hall as
this book? A. Yes, sir.
At this point the committee adjourned until to-morrow mo
o'clock.
[At the end of the report of this day's session will be foun
the exhibits introduced.]

New York, *May* 26, 11 A. M.

Thomas Byrnes, sworn.

must give it to us in such form that we can use it. We have not much use for anonymous communications.

By Mr. Ivins:

Q. Mr. Byrnes, where do you live? A. No. 13 West Fifty-eighth street.

Q. What is your business? A. A Police officer.

Q. What position do you hold in the police department? A. Chief inspector of police in charge of the detective bureau.

Q. You are second in command to Superintendent Murray? A. Yes, sir.

Q. So that in his absence you are superintendent of police? A. Yes, sir.

Mr. Ivins.—I will say to the committee that I wanted to ask this witness some questions about the relations of the police department to the excise board, in the event of my inability to catch Superintendent Murray as a witness—and I understand that he is somewhat ill—I shall not need this witness for that purpose. I, therefore, shall not examine him about those books now but will leave it until later.

Q. Now, do you know an officer named Currie? A. I know that there is such an officer; yes, sir.

Q. The officer to whose testimony in the papers, taken before this committee the other day, you have seen reference? A. Yes, sir.

Q. Officer Currie said that in the course of four or five years experience he had only seen what he knew to be two crooks on the Bowery; what is your opinion of an officer, a member of the detective force, assigned to do duty as a ward detective, who is unable to see more than two crooks in the Bowery in the course of that time. A. In that district, if he only saw two crooks as you call them, sir; in that period of time, he certainly is unfit for the position he holds.

Q. A thoroughly incompetent man in that case? A. Yes, sir; unless he is near-sighted or blind.

Senator Fassett.—He told me his eye-sight was good.

By Mr. Ivins [resuming]:

Q. You walk down the Bowery sometimes? A. Yes, sir.

Q. As chief inspector, in charge of the detective service of the city, you are pretty familiar with the history and antecedents and personality of the people in this community who have a reputation for crookedness, are you not? A. I have some knowledge of that; yes, sir.

class in a general way; that is from Fourth street down as
ham square down along the Bowery; there are a number of
g there on the side streets, there are some places the reso
es, and the Bowery is generally the highway that they go u
.

Have you ever heard of Gombossy's place on the Bowery
ir; I know of such a person though and I know that he is
en a place on the Bowery.

You heard of the place when it was kept by William Eis
ou? A. I have heard there was such a place on the Bowe

Do you know anything about the reputation of that place
, that place is a place that is the resort of all classes of p
en of questionable character and many respectable pec
me, also; some of those places on the Bowery have notic
women are not admitted except when accompanied by gent
they may try to keep these women out but it is very little t
hem to get a companion to go in and sit down and have
or anything else.

Is it not a place that is frequented very largely by this
s of questionable people whom you have described? A. Y
. As people whom you meet on the Bowery? A. Yes, sir.

Is it not one of the best known places on the Bowery — or
wn places? A. I can't say that it is; no, sir.

What places are there on the Bowery better known
rts of such characters? A. Well, they are all about ali
s; they come in under concert saloons, except the Atlant
, they are more particular there than anywhere else, they
as particular, I think, as they can under the circumstances

Q. If you will furbish up your memory —

Senator FASSETT.— I think if the inspector has official reasons that might interfere with justice in some particular case he had better be excused.

The WITNESS.— I decline on the ground, Mr. Ivins, that it might interfere with the ends of public justice.

By Mr. IVINS [resuming]:

Q. Let me ask you, do you know whether any charges have ever been preferred against Currie for inefficiency? A. I do not; I know of him as an officer attached to that precinct doing special duty.

Q. Who is he responsible to in the first instance? A. To the captain.

Q. Is the captain responsible to you? A. No, sir.

Q. Currie is not under your control then? A. No, sir.

Q. For an illustration of that point, will you describe what the organization of the department is as to the detective force generally, and what are known as ward detectives, assigned to do detective work? A. The detective bureau has been organized under an act of the Legislature and it is a separate bureau within the police department; it is amenable to all the rules and regulations of the department, but those men are detailed specially, at the request of somebody, for the purpose of doing detective duty.

Q. Do you mean the ward detectives? A. No; the detectives under me, sir; those men are absolutely under the control of the inspector of police in charge of that bureau, and the inspector, of course, is amenable to the board of police and their rules and regulations, etc., and if they in any way violate the rules and regulations of the department they can be tried and dismissed the same as any other officer; now, ward detectives, as a general thing, are selected by their captains; they are nominated, as they call it, or a communication sent to the board of police, asking that such a man should be detailed for the purpose of doing detective duty in that particular precinct or a district, and, as a general thing, the board complies with the wish of the captain.

By Senator FASSETT:

Q. Holding him responsible for the man? A. Holding him responsible for the man; I have nothing at all to do with him, nothing whatever.

Q. Does your jurisdiction extend over any other class of police employes than detectives proper? A. Well, that is all.

Q. Except in the absence of Murray? A. Except in the absence of Superintendent Murray; of course, if he was not absent, if I directed a police officer to do anything, I assume they would immediately do it.

immediate subordinates in of about

crooked and irregular classes congregate? A. Nothing

where the attention of my men might be drawn to a place

police frequent for the purpose of getting information abou

So that in every case, the question as to whether or not a

orderly house and an arrest should be made, as to wheth

se laws are being violated, as to whether the laws in reg

es licensed for the purposes of amusement are being violat

exclusively, in the first instance, within the jurisdiction

tain? A. Yes, sir.

. The captain is responsible, I suppose, to the inspector, is

harge of that district? A. Yes, sir.

. And the inspector, in his turn, to the superintendent? A.

. And, in that line, neither you nor your department are inv

No, sir; we are only called upon; all orders coming to the

partment should emanate from the board of police and t

superintendent they are promulgated to the force; the ins

responsible to the superintendent, the superintendent to the

captains to the inspectors and the sergeants to the captai

roundsmen to the captain of the precinct; in each one o

ecincts they have a captain, sergeant, roundsmen, patrolm

tective officers for the purpose of looking after those matt

ey are matters that I am not called upon to look after at all

By Senator FASSETT:

Q. Mr. Byrnes, I do not want to interfere with the order

ins questions, but what are the duties of the police, if you ca

reference to taking steps to close up or secure the revoc

notoriously the resort of crooks and gambl

By Mr. LEVENTRITT:

Q. Do you know anything about the modus operandi resorted to by the mayor before he issues a concert license? A. I do not, sir.

Q. Do you know whether the issuance of each one of those licenses is not predicated upon a police report before they are issued? A. Well, I assume they are, but I don't know.

Q. Have you ever heard in the conduct of your office that that is the course that is pursued? A. Yes, sir.

Q. That the mayor calls upon the police department for a report concerning the place for which an application for a concert or theatrical license has been made? A. I think that is the way they do it.

Q. Don't the police submit such a report to the mayor? A. I think they do, sir.

Q. It is after the submission of that report that the mayor acts in reference to the granting or refusal of a license, is it not? A. I think that is the course.

Q. Do you know as a fact also that there are inspectors connected with the excise board? A. There are; yes, sir.

Q. And then when a place enjoys a license both from the excise board and from the mayor, it is predicated upon an inspection by the two departments, both the excise and the police? A. Well, that is possible; I can not answer that question accurately as those are details that I have nothing to do with.

By Senator FASSETT:

Q. There is no other department that the mayor would call upon to make a report probably? A. There is no other department other than the police and excise that could be.

Q. Do his marshals have any such jurisdiction? A. No, sir; I never have been in a position where he has called upon me, so that I could not accurately answer the question.

HENRY HIRSCH, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Hirsch, where do you reside? A. No. 205 Bowery.

Q. What is your business? A. Jewelry and musical instruments.

Q. Your place adjoins No. 207 Bowery, does it not? A. Yes, sir.

Q. That place is known as the Peoples' Assembly Room? A. That is the sign.

Q. What kind of a place is that? A. Well, what I know of the place it is a concert hall.

Q. Have you ever been in there? A. Yes, sir.

Q. Don't you know that place keeps open pretty late at n
es, sir.

Q. What is the reputation of the place among the neig
round about there? A. I don't know, sir.

Q. You have never made any inquiry? A. I am not th
nough.

Q. How long have you been there? A. Nine or ten mont

Isadore C. Istel, being called and duly sworn, testified a

By Mr. Ivins:

Q. Where do you live? A. Two hundred and forty-seven

Q. What is your business? A. Cigars and tobacco.

Q. Do you know Stager's place, 255 Bowery? A. I do.

Q. What kind of a place is it? A. Well, it is a concert sal

Q. Is it what you call a dive? A. Well, I don't know
nderstand by that.

Q. What do you understand by a dive; you have heard
ave you not? A. Yes, sir; it is what you call a place where
omen go to.

Q. A low place where men and women go and drink
Yes, sir.

Q. Do men and women go and drink together at Stager
ppose so.

Q. Have you ever been in there? A. No — yes; I was
ice; a man wanted to rent a place of me once; I have go
Church street; he wanted to rent that.

Q. Did you see people going in there? A. Yes, sir.

Q. See women going in there alone; see women comin

Q. What time does the music stop? A. I don't know; I close up at that time, and it is always pretty lively then.

Q. That is midnight? A. Yes; 12 o'clock.

FRANK HAHN, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. Where do you live? A. Eighteenth street.

Q. Near where? A. Near First avenue.

Q. What number? A. One hundred and forty-one.

Q. What is your business? A. Butcher.

Q. Do you know Blank's place on the other side of the street? A. Yes, sir.

Q. Can you see it from your house? A. Yes, sir.

Q. Where is Blank's place; in the basement or on the first floor? A. On the first floor.

Q. What kind of a place is Blank's and what goes on there? A. A concert place.

Q. Have you ever been in there? A. I was in once or twice; yes, sir.

Q. Do you see men and women go in there together? A. Yes, sir.

Q. Did you ever see women, who sometimes perform on the stage, come down and talk to the people? A. No, sir.

Q. You never saw that? A. No, sir.

Q. Do you see women go in there alone at night? A. No, sir.

Q. Have you ever seen women come out alone at night? A. No, sir; I close up at 7 o'clock and go home.

Q. Where is your home? A. Two Hundred and Forty-three East Thirteenth, near Second avenue.

Q. That is a good ways off? A. Yes, sir.

Q. What is the reputation of that place in the neighborhood? A. Well, the reputation is good.

Q. The reputation of Blank's is good? A. Yes, sir; yes.

By Mr. LEVENTRITT:

Q. Isn't Blank's a resort for reputable Germans living on the East side, respectable Germans? A. Yes, sir.

Q. Do not respectable Germans take their families there? A. Yes, sir.

Q. Wife and daughters? A. Wife and daughters.

Q. They do not hesitate to take their wives and daughters there do they, at Blank's place; it is perfectly respectable, is it not, among the Germans on the East side? A. Yes, sir.

that.

. Then you do not know much about it after all as to w
y are wives and daughters; you do not know, do you? A. I
y are.

. Now, do you think anybody who goes in there is a pros
I don't know.

. What do you think? A. Well, only I thought Blank l
od, respectable place.

. Have you ever seen any women in there who might possi
the respectable wife or respectable daughter of some resp
ntleman? A. I could not tell you that.

By Mr. LEVENTRITT:

Q. Did the women who you saw there behave themselves p
ile you were there? A. Yes, sir.

By Mr. IVINS:

Q. Did you see any of them drink? A. Yes, sir.
Q. Drink whisky? A. No, sir.
Q. Drink wine? A. Beer.
Q. Is drinking whisky and brandy, in your judgment, b
roperly for women in public? A. Well, I don't know, I am

By Senator FASSETT:

Q. Do you know anything about this place after 7 o'clock a
. No, sir.

WILLIAM CASTOR, being called and duly sworn, testified as fo

By Mr. IVINS:

Q. What kind of a place is it? A. Well, it is a music hall and all kinds of people go there.

Q. Good, bad and indifferent? A. Well, they are mostly all common women.

Q. Women who, from their appearance and conduct and action you would judge to be dissolute characters? A. Yes.

Q. Have you ever been asked to drink by a woman in there? A. No.

Q. Have you seen women come in there alone late at night? A. No; always with men.

Q. Have you seen women drink with men? A. Yes.

Q. In public? A. Yes.

Q. Noisily? A. No; no noise about it.

Q. Have you ever seen women who perform come down and drink in the audience? A. No.

Q. But you think the place is frequented by questionable characters? A. Yes, sir.

By Mr. LEVENTRITT:

Q. How do you know they are questionable characters? A. Well, I can tell by the looks of people.

Q. Were they elderly people you saw come in there or young people? A. Mostly all young people.

Q. Did you see any young people come in there with elderly people? A. Yes, sir.

Q. Have you seen a lady and gentleman come in there with a young lady or a person whom you would regard as their daughter? A. No, sir.

Q. Did you see any Germans there at all? A. I guess so; I don't know what nationality.

Q. You can not tell a German when you see them, but you can tell a loose character; you are a better judge of the looseness of their characters than you are of their nationality; you know what a German is? A. Yes, sir; I am a German myself.

By Mr. IVINS:

Q. Are you married? A. No, sir.

Q. If you were married would you take your wife there? A. I guess not.

ALBERT WILSON, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your business, Mr. Wilson? A. Butcher.

Q. Where is it? A. Two hundred and three Bleecker street.

hood? A. I can't say exactly; I have only been down the

FRANK KUGLER, being called and duly sworn, testified as

By Mr. IVANS:

Q. What is your business? A. Barber.

Q. Where? A. West Twenty-fourth street.

Q. Do you know Koster & Bial's place on the corner fourth street and Sixth avenue? A. Yes, sir.

Q. What kind of a place is it? A. It is a drinking place

Q. And there is where men and women drink together sometimes.

Q. Is it an all-night place? A. No.

Q. Have you ever been in there late at night? A. I ha there sometimes, but not late at night; close at 12 o'clock.

Q. What is its character in the neighborhood? A. I do

Q. Have you ever heard that it was a place where d women went? A. I often see women going in there; I what they are.

Q. These women come in alone? A. And in com gentlemen.

Q. At night? A. I don't know.

Q. You have seen women drinking in there? A. Oh, ye

Q. You have seen women ask men to drink in there? A

JOHN SCHAFFER, being called and duly sworn, testified as

By Mr. IVINS:

Q. Mr. Schaffer, what is your business? A. Barber.

Q. Where is your place of business? A. Three hundred

Q. Have you ever been in there in the evening? A. Oh, staid until about 7 o'clock.

Q. Have you ever been around the place or seen people going in or coming out at night? A. I don't be out late nights; I always go home after I close up.

Q. Do you know what the reputation of that place is in the neighborhood? A. No; I couldn't say.

Q. Has it any reputation for being a pretty fast sort of place? A. I could not say.

THOMAS HUGHES, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your business, Mr. Hughes? A. Florist.

Q. Where is your place? A. One hundred and seven East One Hundred and Twenty-fifth street.

Q. Do you know Captain Foley's place on the corner of One Hundred and Twenty-fifth street and Park avenue? A. Yes, sir.

Q. Kept by ex-Police Captain Foley? A. Yes, sir.

Q. What kind of a place is it? A. A respectable place.

Q. A nice, respectable place? A. Yes, sir.

Q. Are you a married man? A. No, sir.

Q. How long since have you been in there? A. Pretty near a year.

Q. It was a respectable place when you were last in there, was it? A. Yes, sir.

Q. Do you know what kind of a place it is now? A. No, sir.

Q. Is it a respectable place? A. A place that is run right.

Q. How would you run a place of that kind right; tell us first what kind of a place it is? A. It is a concert garden or concert hall.

Q. Garden or hall? A. Hall.

Q. Men and women go there to hear the music? A. No, sir.

Q. Only men; A. Yes, sir.

Q. You never have seen women there? A. Only on the stage.

Q. Have you ever seen the women on the stage come down into the body of the hall and go around? A. No; not go around; they go out.

Q. What kind of shows do they have there? A. Singing and dancing and music.

Q. Sparring? A. No, sir; I never have seen it.

Q. Wrestling? A. I have not seen any.

Q. Nothing of the kind? A. Nothing of the kind.

Q. How late at night have you been in there? A. Twelve o'clock.

Q. Never have been in there later? A. No, sir.

Q. Have you ever been in there at 1 o'clock? A. Yes, sir.

Q. What is your business? A. Car driver.
Q. You are out pretty late nights, are you not? A. No, si
Q. Don't you drive all night ever? A. No, sir.
Q. Then you have your evenings to yourself? A. Yes, sir
Q. You use them for profit and enjoyment and rest? A.
Q. Have you ever been in an evening at Schwab's place? A
been in there; I never spent an evening there.
Q. What have you seen going on there, Mr. Husted? A
nothing; drink beer and music.
Q. Women come in there? A. Upstairs, I believe.
Q. Upstairs they have a place where women go; women
alone and go upstairs? A. No, sir.
Q. Only come in accompanied by men? A. Yes, sir.
Q. Have you ever been upstairs? A. No, sir.
Q. What have you heard about the character of the place
hat it was a place where men and women drank together? A
ot heard anything about it that I know of.
Q. How late at night have you been at Schwab's? A. Ten
Q. Not later? A. No, sir.
Q. Have you ever been to Foley's place? A. Yes, sir.
Q. Is that the same kind of a place as Schwab's? A. No, s
Q. What is it? A. Music and dancing and beer.
Q. It is a little rougher than the other is it not? A. I don
s it is.
Q. Are they not both pretty fast places? A. What do yo
Q. Where men and women of a questionable character come
rink and talk? A. No, sir.

all confess that we have been where we would not take our wives? A. I don't think it would do any hurt to take her in there.

WILLIAM S. ANDREWS, called as a witness, being duly affirmed, testified as follows:

By Mr. IVINS:

Mr. IVINS.—Before Mr. Andrews testifies, I would like to have this witness, who has already been sworn, take the stand.

ISAAC S. BARRETT, recalled.

By Mr. IVINS:

Q. Mr. Barrett, you identify as correct this statement of payments to asylums, reformatory and charitable institutions for the years 1885 to 1889 respectively, paid out of moneys raised from the tax levy [handing paper to witness]? A. Yes, sir.

Q. Which sums so paid are in addition to the excise moneys? A. Yes, sir.

[Paper marked Exhibit 1 of this date.]

WILLIAM S. ANDREWS examined.

By Mr. IVINS:

Q. Mr. Andrews, what is your business? A. Counselor-at-law.

Q. You have been a member of the Legislature? A. Yes, sir.

Q. You have been a commissioner of excise in this city? A. Yes, sir.

Q. When were you appointed commissioner of excise? A. May 1, 1886.

Q. And when did your term expire? A. May 1, 1889.

Q. When did you cease to be commissioner of excise? A. May 1, 1, 1889.

Q. You immediately preceded the present commission as one of the commissioners of the prior board? A. Yes, sir.

Q. Now, Mr. Andrews, will you describe to this committee as well as you can what the duties and powers of a commissioner of excise are, as you understand them, from actual experience and practice.

Senator FASSETT.—And from your knowledge of the law.

The WITNESS.—The duties of the commissioners of excise are to grant excise licenses in their discretion, determining who shall be licensed and who shall not; they have full power to reject applications for licenses, subject to review by the courts, under the law of 1884, known as the mandamus act, and they have power to revoke licenses upon proof of violation of the law; they may at any time summon before them persons whom they have reason to believe have

ing of your powers and duties, what class of evide
required, as a rule, to satisfy you of a breach of the
which a revocation could be predicted? A. Will yo
question more definite and what you mean by class of ev

Q. I will put it in a more complete form, and ask it in
questions; suppose you were to go to a place like Gombo
panied by your two fellow commissioners, and were to s
thoroughly believed to be loose or disreputable women
going out, and were to see women soliciting men to dr
pose you as a commissioner were to go to any other pl
women throw a loose gown over their costume, come do
tage where they had been singing, pass from one table t
he main room, and ask men to drink, and drink with t
hat in your judgment be sufficient to justify you and
ommissioners in revoking the license? A. Any proof or
ny violation of the law, whatever it might be, would be s

Q. Well, would that be proof or evidence? A. If wome
a place for the purpose of drinking, or women emplo
lace drank with customers, and were women of bad chara
disorderly persons, that would constitute a violation of

Q. You have got two matters mixed up; in the first pla
escribes in terms that in places where concerts are ha
ense, and where women are employed, there shall be
ense at all, does it not; that is, where women are en
iters? A. As waiters; yes, sir.

Q. There shall be no license at all? A. Yes.

Q. The law is that where there is a liquor and concert li
the same place, so far as women are employed the

Q. Suppose, however, that the case were not such, but a notorious class of women were to frequent the place, and that it were notorious in the community, that men went to such a place for the purpose of meeting or seeking these notorious women, would you think such a place ought to be licensed, or if licensed, and the facts were discovered by you by a personal inspection, would you think the license should be revoked? A. Yes; the license should be revoked.

Q. And in the first instance such a place ought not to be licensed? A. Such a place kept for that purpose ought not to be licensed.

Q. Suppose the place is not kept for that purpose, but is habitually used for such purpose, would not that bring it in the same sphere? A. Yes.

Q. Now, what you would regard as proof or evidence — let me take this case; suppose a man were charged with selling liquor on election day within a certain distance of a polling place, and suppose the evidence of the sale — within the prohibited distance of the polling place — suppose the evidence of the sale were explicit and its correctness indisputable; suppose that it were not even denied; suppose it appeared from your maps and records that the place was certainly within the limits fixed by the statutes, and that those facts were proved, would you consider that you had, as an excise commissioner, any right to disregard those proofs and to dismiss a complaint? A. certainly not; the law makes it compulsory upon excise commissioners to revoke a license if satisfied upon a hearing that the law has been violated; if the proof is positive and conclusive as you state, they must necessarily be satisfied.

By Senator Fassett:

Q. Can you not take the proofs in all the meanings "if satisfied;" can they fix an arbitrary standard for themselves, or must they be satisfied by proofs that would convince ordinary intelligent men? A. I suppose that is a matter which each commissioner must settle in his own conscience; his position is very much analagous, it seems to me, to that of a member of a jury.

Q. Beyond reasonable doubt? A. Just weighing the evidence taken on the trial.

By Mr. Ivins:

Q. Do you consider that the excise commissioners' duties are judicial, in a strictly judicial sense? A. No, sir.

Q. Not at all? A. No, sir.

Q. His duties simply involve that he should exercise his judgment, in view of his responsibility as an excise commissioner, as to what is a

n of the law; and if upon examination they become sat
e law has been violated, they shall revoke the license;
wers they have is included in that phrase.

By Senator Fassett:

Q. In other words, having passed the point of being satis
ve no longer any discretion? A. None whatever.

By Mr. Ivins:

Q. Now, do you consider that there are certain classes of
ich should obligatorily satisfy a commissioner; for insta
se this Senate committee itself were to personally visi
se places which have been called to their attention, an
sonally, swearing to the offense, go before the excise
ner and say: "I have found such a place open at 2 o
ht, or rather in the morning, and I have found the place fr
women of disreputable character, and I have there been
drink by women who are employed on the stage earli
ning," would you think that there was any discretion i
hat kind; in other words, there is a point where discre
ears, and the commissioner is obligated to act, is there
he commissioners believe that the witnesses are testifyin
y, they would be compelled to revoke the license.
Then the only question would be there as to the cred
witnesses? A. That is all.
And if you failed to revoke a license in such case, a
rged with malfeasance in office, your plea would be that

Q. You can make a rule that the license fee shall be more or less, within the limit fixed by the statute? A. Yes, sir.

Q. As a matter of fact, did they not increase the license fee in some cases? A. Yes, sir.

Q. Just tell us how you increased them, and to what extent? A. We increased them in the first year of our term, the year ending May, 1887; a license for what was known technically as a saloon license, that is a license to sell spirituous liquors as well as ale, beer and wine, was increased from seventy-five dollars to $200; a new grade of license was established, authorizing the sale of ale, beer and wine only; that was fixed at fifty dollars; the license for the sale of ale and beer only, was retained at the figure which it had been formerly fixed at, thirty dollars; hotels of the first class, the fee was fixed at $250; hotels of the second class, the fee was fixed at $200, the same as saloons.

Q. As a matter of fact, within the discretion of the excise commissioners, they can say there shall be but one place on a block, can they not? A. Well, as a matter of fact, they could refuse to grant any license at all, and until the passage of the Mandamus Act of 1886, they could not have been compelled to issue licenses; now, the courts can review, and if the court determines that the commissioners have acted unreasonably or without sufficient cause on good grounds, in refusing the license, the court can mandamus, and they do compel them to issue it.

Q. What do you think, as an excise commissioner, as a member of the board, and an ex-member of the Legislature, of the wisdom or unwisdom of the act? A. I approve of the act.

Q. Do you approve of the courts undertaking administrative duties, so to speak? A. I do not think that any public officers should be charged or clothed with a power that may be used unjustly; I think that they should always be subject to review in case they exercise their powers arbitrarily or unjustly, or whatever they may be.

Q. That is by other public officers? A. That is by the courts.

Q. Who are the public officers? A. Undoubtedly.

Q. So that if your other public officers are unjust, your party is just where he found himself originally? A. I suppose there is a remedy — there should be — for the courts not doing as they should.

Q. What do you think of the policy of making the courts of this city intervene and interfere in the liquor traffic of the city in that way? A. As I stated before sir, I approve of the power given to the courts to correct injustice or wrong done by excise commissioners as well as by any other.

urt finds that the commissioners have acted within the sc
w that they have refused a license because in their opin
ot a proper place to be licensed, the Mandamus Act does
give the court any power whatever; it does not in
ntrol the action of the commissioners provided that a
oper one and under the excise law.

Q. The Mandamus Act simply means then that the boar
mpelled to act? A. Properly.

Q. But not to say how they shall act? A. Yes, sir.

By Senator FASSETT:

Q. As a matter of fact, how often have the courts used th
you know? A. There has never been to my knowled
ile I was a commissioner of excise — any license issued
ndamus, with one exception only; in every other applica
made, and there were a great many of them the board
sustained by the courts.

. Can you tell us what that particular instance was? A
case of an applicant whose name was Kruse, for a plac
ner of Fourteenth street and University place.

By Mr. IVINS:

I would like you to tell the whole history of that case,
unt of appeals that were made to you and your fellow
ers from time to time; and furthermore, I would like yo
names of the parties, who appealed to you to have that
ted, and the amount of expenditure that was alleged to ha
in the place, and why the license were not granted? A.
story.

previously a dry goods store. A. Mr. George Hillen came to the board of excise and asked if a license would be granted for that place. The commissioners were all present. He was told that it would not be granted, and the reason was given him that there had been a dry goods store there for many years; that there were plenty of drinking places in the immediate vicinity, and that it was in the center of a district devoted to shopping by women and children; a place where there perhaps are passing during a pleasant day more women and children than at any other point in the world, and that we did not believe that it would be proper to license a drinking bar or barroom on that place. Mr. Hillen asked us whether a restaurant would be licensed there. We told him if it were a restaurant for ladies and gentlemen, such a restaurant as the Gilsey House or Delmonico's, or any other of that class or character — the Brunswick, or any other place which was actually and truly a restaurant, a license would not be refused for the purpose of supplying the persons who frequented it with such wine or drink as they might require, but that a bar would not be permitted there. As soon as it was known that we had an application for a license there, petitions came in from property owners in the neighborhood. I think we received petitions representing a good many millions of dollars of property against the granting of a license to that place. But Mr. Hillen, notwithstanding the refusal of the board, went on and put the dry goods man out, and having taken the lease over his head, fitted up the place there very handsomely and at very great expense; I don't know at what expense, but it was said at an expense of $20,000 or $25,000; I don't know the amount. We refused the license, and the license was not granted for nearly a year after the first application, I believe.

Q. Did you ever grant the license? A. It was granted under a mandamus; during the pendency of this question, so far as the applicant was concerned, they came repeatedly to the board; made several different applications for a license; for a hotel license as well as for a saloon license, and people — I don't remember who — I can not recollect the persons who came to speak about it; we were having callers all the time coming in and talking to us about applications, but finally an application was made for a mandamus.

Q. Before you go to that, were you not solicited by a number of strong politicians in the city here to sign that license? A. I don't recollect, definitely, as to what persons spoke to me in reference to it.

Q. Were you not solicited by a number of persons? A. Yes, sir.

Q. The pressure was very strong, was it not? A. Very; yes, sir.

Q. Did you hear that a fee as large as $10,000 would be
ybody who could get that license and carry the point?
at.

Senator Fassett.—You were not approached on that basis

The Witness.—No, sir.

Q. Do you recollect from whom you heard it? A. My re
that Commissioner Van Glahn told me that a gentleman
n, a friend of his, said that he had been approached and
ry large fee if he could obtain a license for that place, b
thing more definite than that, except rumor, and I do n
tify to mere rumor.

Q. Is it not a fact that for a long time there was a grea
citement about that place, a great deal of pulling and ha
leavor to get the board to act and grant that license?
s some, but not enough to cause me to recollect the per
led.

Q. There was more than you remember in relation to a
ce while you were in the board? A. Well, I don't know
t was the most important case; that is, involved the
rest.

Q. Do you know Mr. Bacon, a lawyer, who formerly lived i
who now spends a great deal of time in New York? A.

Q. Did he ever ask you to license this place? A. No, sir;
ke to me about it.

Q. Did you ever hear his name mentioned in relation to th
on whatever? A. No, sir.

Q. Now, will you describe what the organization of the force is as to the making of inspections, and what the duties of the inspectors are, and how the inspectors perform those duties? A. Under the existing system, which was in vogue when the board of which I was a member came into office, inspectors are assigned to police precincts, some of the precincts having one, and some of them, the larger precincts, having two; when an application for a license is made, the application paper is given to the inspector assigned to the precinct in which the place for which the license is desired is situated, and it is his duty to report to the board all the facts in relation to the place that he may be able to ascertain; there is a blank form of inspector's report prepared which he has to fill out replies to certain fixed and stated questions; but, in addition to that, it is the duty of the inspector to inform the board of anything within his knowledge or that he is able to learn affecting the propriety of the licensing of that place; if you will allow me to go on and explain.

Q. Certainly? A. An inspector of excise is now provided for by law; the law has of course general application throughout the State.

Q. The law does not know such a thing as an inspector? A. The law does not know such a thing as an inspector of excise.

Q. He is simply the aid or right hand of the commissioners? A. The commissioners of excise under the law are supposed, I assume to know personally as to the fitness of all applicants for a license; in small towns and villages it is entirely practicable that he should.

Q. So that technically the commissioner of excise could not plead that he was not responsible because of the character of the reports made by the inspectors on which he acted? A. The commissioners are responsible for what the inspector does, and the commissioner is really in that sense in the hands of the inspector.

By Senator Fassett:

Q. In other words all the subordinates not known to the law which are created by the board of excise commissioners are the agents or agencies for the board of excise, for whose acts they are responsible? A. Absolutely, just in the same sense that the collector of the port is responsible for every bond taken in his office.

Q. And his bond is responsible? A. Yes, sir; although the collector takes thousand of bonds.

By Mr. Ivins:

Q. Do the inspectors of excise give bonds? A. No, sir; in the Consolidation Act there is a provision that the board of estimate and apportionment shall appropriate each year out of the excise moneys a

applies for the license? A. When I was in th
d the inspectors were all of them instructed, and grea
taken to make them understand that the commissioner
nally responsible for all that the inspectors did, and th
regard themselves simply as agents of the commissioners
ose of obtaining and reporting to the commissioners all in
of any kind whatever that could possibly affect the judgm
etion of the commissioners in acting upon the applicatio
se.

Now, what was your experience as to the thoroughnes
the inspectors made their inspections prior to the gran
ses? A. My experience in that regard was very unsatisf
Just tell us why and to what extent? A. Well, I don't
I do know that it was a very rare thing for us to obta
nation from an inspector beyond the answering of the qu
printed form.

Good, moral character and general reputation? A. Po
very few exceptions; we never received any information fr
ctor voluntarily, affecting the question as to the good c
cter of a place, or whether the law was habitually violated
t, and beyond the answers to the questions contained
d form.

That printed form reads something like this, "I find th
character and general reputation of the party is [blank];
ed "good?" A. "Good" or "bad."

Now, unless it be entered "good," no license goes, does it
ess you yourselves review the report of your inspector

Q. But if the report were favorable to the character of the applicant, as a rule, the license was granted unless some protest had been served, or your attention had been in some way called to the particular case? A. Yes, sir; we had a record in the office of complaints and protests, and those were always examined in the office independent of the inspector's report, and unless there was before us some evidence or some proof showing that the place was an improper place to be licensed, the license was granted; that applied only to renewals of licenses for places where licenses had already been granted; we made a distinction between such places and new places; it was not part of our business as commissioners of excise to prevent the sale of liquor; our business was to regulate and restrict it under the provisions of the law; we assumed necessarily, I think, that all persons who were licensed, who held a license and carried on their business under authority of law, were suitable persons to be relicensed, unless we had evidence before us to the contrary; it was upon that theory, at any rate, that we proceeded.

Senator Fassett.— That was for renewal?

The Witness.— That was for renewal.

Q. Now, as to the question of new licenses? A. When it came to a question of new license, then the system we put into operation — and for the first time, because the rules that we adopted in that regard were new, originally with our board — when it came to cases of new licenses, we considered the neighborhood, whether there was any need or public convenience to be served by the location of the place at the place for which a license was desired, and the wishes or opinions of people holding the property residing in the neighborhood, and also in such cases we refused to grant licenses unless the landlord or owner of the property gave his consent in writing; if the place was already licensed, and the landlord made no objection to the renewal of the license, that was prima facie evidence that the landlord did not object to the license being continued, so that we did not require a landlord's consent in such cases.

Q. Now, is it not your experience, during your term of office, from divers sources of information, that the liquor law in New York city is almost systematically disregarded as to the hours within which liquor should be sold, and as to the observance of the provision concerning Sunday sales? A. In those regards I think the law is very generally disregarded.

Q. Now, during your experience, also, there were very many cases of complaints against places which had received licenses, on which complaints hearings were had, and which licenses were revoked for

month after it had been licensed, or three months after it ha
ised, were run in such a way that a complaint was lodged
neighbors, and it became necessary for you to give a hear
complaint, and upon the hearing you decided to revo
ise, and did so revoke the license, would not that be regar
ia facie evidence that the inspector had failed to do his
first instance and had improperly reported as to the chara
place or the character of the person; in other words,
ector did his duty, as he ought to, fully and thoroughly,
a large number of cases of that class disappear? A. I thi
ld.
nator FASSETT.—Did you ask the witness whether they ever
cense to a party when the inspector reported that the
acter was bad.
r. IVINS.—He says that in that case they re-examined the
Now, did you ever know such a particular instance, thoug
-examination of the inspector's report the license went
mber one case where the inspector reported that the ap
a man of bad character, and we investigated it; we found t
ector got his information from some one he found in the
ping off the sidewalk, who lived next door, and he had re
upon hearsay and upon examination we found it was
rrect, that the man was a man of good character; and the
granted.
If you would say in terms that you would not grant a lic
the inspector reported adversely upon the report of the ins
would be putting the applicant in the inspector's hands?
we never did that.

Q. It has to be delegated to subordinates? A. Yes, sir; at certain periods of the year the commissioners have to act upon more than 100 applications a day right along sometimes for several weeks, averaging pretty close to 100 applications a day, and it is, of course, impossible that they should do anything more than examine the papers before them.

By Senator FASSETT:

Q. Whose fault would it be, or is it, if it should turn out that there were fifty or 100 places improperly licensed on account of the immoral character of the man or place, or both combined? A. Well, that is a difficult question to answer, sir; the circumstances might vary very much; I can only say that while I was in the excise board no license was ever granted where we had before us any evidence of the improper character of the place, or where any complaint was made, which, upon examination —

Q. Take the case of the Palm Garden?

Senator FASSETT.— I want to get out before that: Under the statute is there any limit placed upon the efforts you may make to examine into the moral character of the place or of the man? A. No; I think not.

By Mr. IVINS:

Q. There is a limit of this kind; there is a physical limit on the one side and a financial limit on the other? A. Yes.

Q. If you had ample means you could prosecute those inquiries much more thoroughly than they are done? A. During the last year of my term as an excise commissioner, we had over 1,100, nearly 1,200 trials that were held; we revoked some 900 and odd licenses, I think; the exact figures are here, I think.

Senator FASSETT.— The exact figures are better, if we can have them?

The WITNESS.— [Referring to paper.] During that first year, that is during the year ending December 31, 1888, 1,177 trials were had; of that number sixty-nine only were upon complaints received by the board from outside. That included complaints received from the police department and from citizens. Eleven hundred and eight were, upon proceedings, initiated by the board, that is, where we had sent our inspectors or detectives to obtain evidence.

Q. Do you think the board has the power or duty to supervise a place when once it has been licensed? A. Well, I do not know as to that; I think, myself, that the regulation and supervision of all licensed places, after the license is issued, belongs to the police department, but the commissioners of excise were held responsible officially, in one

simply to go in as ordinary citizens would go on, and rep
what they learned and what they saw.

Q. But do you not think that the general understandin
community and in the Legislature is that that is really the
continuous and ordinary duty of an excise inspector; so that
ay that we have forty-nine or fifty excise inspectors in New Y
t is believed that they are really continuously inspecting the
n which the liquor business is carried on? A. It is unque
he duty of the excise inspectors to inform the commissione
oard of excise of whatever comes to their knowledge affec
ropriety of a place being licensed or a license being revo
lace already licensed.

By Senator Fassett:

Q. That is of a place being licensed; the license continui
es, sir.

Q. With or without a complaint? A. That is the duty of a
spector.

Q. It is perfectly within his function to report whatever c
is knowledge in a process of visitations? A. Yes, sir; what
inks it is important for the commissioners to know.

Q. In other words he may have personal knowledge as
ficial knowledge, and it is his duty to report both? A. I th
s.

By Mr. Ivins:

Q. Such being the fact, and such being the theory on which
commissioner acted, were these excise inspectors at an
otted a precinct, district, ward or beat, in which [illegible]

affected the moral character of the place; if we had reason to believe that a place was a disorderly house or the resort of thieves or of disreputable or dissolute persons, or was a nuisance or annoyance to the neighborhood in which it was situated, we then took means to obtain evidence upon which to revoke the license, but we did not attempt to procure evidence as to selling during the hours or the times prohibited by law; that we left entirely to the police department.

Q. Now as to a place which has earned a reputation for disorderliness, we will say, or a place which is disorderly but has not earned such a reputation; unless you had reason to believe from some chance or haphazard story told you by some one, or accidental personal observation, or a newspaper report, you did not take any steps whatever for the purpose of seeing whether the place were being run as orderly or disorderly? A. No, sir; we did not attempt to exercise police functions.

Q. You exercise them a little, but not much? A. We exercised them where we believed the character of the place was involved; there are now about 6,000 drinking places outside of restaurants, steamboats, hotels, etc. — simply drinking places; now, suppose that half of those places were open, for instance 12 o'clock at nigh — half of them; and suppose it were possible for us to obtain evidence of that all at one time; it would be impossible for the board of excise to hear those complaints and examine the witnesses; the parties would be represented by counsel; it would take certainly a year or a year and a half to hear the complaints which might be made in one day; that is one of the difficulties of this whole system, that the machinery is inadequate to deal with it.

By Senator Stewart:

Q. Does it take very long to try one of these cases on an average? A. That depends, I should suppose that ten trials in a day, that is, continuously, would be a long day's work, when you consider that not only those trials, but all hearings on applications for new places which were refused, all complaints made by persons or protests against the granting of licenses, would have to be heard; and then the commissioners would have to examine into the matters; and the granting of a large number of licenses, as I have said an average of 100 a day at certain seasons of the year, must be attended to in addition to the trials.

By Senator Fassett:

Q. Simply because it would be impossible to do it all, is no reason why it should not be done at all? A. No, sir.

as to be licensed? A. The fact that they are licensed, a
ptive evidence that they are entitled to a license.
That is, you presume, as you enter upon your office, th
eding boards of commissioners have properly discharg
tions of their office? A. We presume that.
Then in the absence of any specific charge or allegation
the board of commissioners against any places a
sed, you do not regard it as a part of your duty to make
ction of them upon application? A. I will not say that,
duty of the commissioners, and we always — I am speak
oard to which I belonged — we always considered it our
ever we had knowledge ourselves that a place was an im
to be licensed, we refused the license, if we had such know
endent of any information coming to us from outside.
Then this presumption was not so strong as to relieve you
of your official responsibility as to the moral character
n and place licensed? A. Not at all; and if you will perm
dertook to reduce the number of licensed places by re
he number of licenses to be issued; we put in operation
n, by which we refused to permit any license to come into
unless an existing license expired or died; we would not l
place unless an old place was closed; now, that would se
the effect of keeping the number of licensed places at the
ey were when we commenced to put that system into oper
a matter of fact, there is always a shrinkage going on by r
places that are licensed, and for which licenses expired, ru
ut being renewed, or any other license issued in their place
the last year that I was an excise commissioner, ther

the moral character, but as to the propriety of granting a license for that place.

Q. The place itself is more rigidly inspected in reference to a new license? A. Unquestionably; if a place is already licensed, the license will continue; we had a rule, for instance, that we would not license a new place unless it was shown that the public convenience required it, or that it was desired.

Q. What I am trying to get at is this; tell me how it is possible that places like Billy McGlory's, Gombossy's, Palm garden, Alhambra, Blank, and places like the Mart; how it is possible for those places to obtain licenses? A. In the first place, Billy McGlory's was never licensed while I was a commissioner.

Q. Did he ever have a license? A. Oh, I don't know; I think he did.

Q. I do not mean just those particular places, but places of that character, that 100 or 150 have licenses and continue to get licenses?

Mr. Ivins.—Take Harry Hill's place?

The Witness.—Harry Hill's place was not licensed while I was an excise commissioner.

Q. The police went after Harry Hill pretty sharply, did they not, about that time? A. I have no knowledge as to that; the board refused to grant a license to Harry Hill, but Harry Hill presented a petition to the board, signed by merchants and respectable citizens of the city, to the number of several thousands, petitioning that his license should be granted; but notwithstanding that, we did not grant it.

Q. How is it possible that these places are continuously licensed; how do you explain it? A. If you will name any special place, I will tell you the history of it, as far as I know; when you ask me in a general way how it is possible — of course, they can not be licensed unless the board licenses them.

Q. If there were fifty licenses of places of that kind, how can you account for it? A. I can say that no place was licensed while I was an excise commissioner, against which there was any complaint whatever.

Q. You get out of it on the ground that there was no complaint? A. No; pardon me; or that we were satisfied that it was improper to issue a license; there was no exception to that whatever.

By Mr. Ivins:

Q. Have you ever revoked a license because of proofs being made to the effect that it was certainly and distinctly a notorious and bad place? A. Certainly, many; we revoked 875 licenses in the last year I was a commissioner.

explain just why the license was granted in that particula
Senator Fassett.—Mr. Ivins, have you not got a list there?
Mr. Ivins.—I do not like to criticise publicly, but I have no
py of any of the minutes since we began last Monday.
Senator Fassett.—I am to blame for that, because on the
stenographer asked me if I wanted a daily copy, and I a
ardman, and he said not.
Mr. Ivins.—One of two places that were licensed was
taurant.

By Senator Fassett:

. Take that case of Clark's restaurant; who signed that
You mean the relicensing?
. Yes? A. Van Glahn and myself.
. Did Mr. Woodman sign it? A. No, he did not.
. Did you issue many licenses which he did not sign? A. N
ny.
. Can you instance any of them? A. A great many licens
ed with the signature of two commissioners only, for in t
divided the work, which it was necessary for us to attend
. Did Commissioner Woodman refuse to sign this? A. I
k he was present.
. Before he went out of the room did he refuse to sign it
ot think he did; I do not think he knew anything about it

By Mr. Ivins:

. Did he know the application was before the board? A. Y
nk he would have refused to sign it.
. Were there any complaints against that place? A. No
none at all.

there never was a complaint against Clark's place coming from outside of the office, not certainly for two years, to my recollection or knowledge.

Q. You licensed the place in spite of the information that had been elicited by you against its character, the character of the license? A. The place had not been licensed for a long time; it had not been licensed for a year or more, I should think, or very nearly a year; when the application for the license was made by a new party, who we were satisfied had purchased the place, and who was a *bona fide* purchaser, and upon recommendations and assurances that the place would be properly conducted, I signed or approved the application for the license myself, and sometime afterwards on the last day that we were in office, Commissioner Van Glahn signed it; I signed it I think several weeks before he did.

Mr. Ivins.— We had a list here of thirty-one places, concerning which the committee is in possession of evidence of one kind or another, either that they violated the law or that they were regarded by witnesses as disorderly places. Of that thirty-one places, all of which have been licensed by the present board, thirteen were licensed to new parties, eighteen were renewals of licenses, old parties, so that in eighteen of those places, the board, of which Mr. Andrews was a member, granted licenses. Now let us begin with Gombossy's place. Gombossy's place was licensed for an old place to a new person, or new wine was put into an old bottle.

Mr. Gale.— That was a renewal to William Eisman.

Mr. Ivins.— That was a clear case of renewal to William Eisman, the same place that has been testified to as being a place of a disreputable character, and which I believe can be easily proved to be a place of disreputable character since you have been a commissioner. How would you account for the licensing of such a place?

The Witness.— I should account for it by the fact that we had no evidence or proof before us that it was an improper place to be licensed. If we had, we should not have licensed it.

Q. Would you act, if you found the report of the inspector lying on your desk with the word "good" filling the blank with regard to moral character and general reputation, without any further inquiry, unless you had been put upon your inquiry from personal observation or a newspaper clipping? A. I should act upon such information and knowledge as I had.

Q. And if you had none, then you would give the benefit of your ignorance to the applicant, and give him a license? A. Why certainly I would put it in that way, on the theory as I have stated, that a man

, as the witness wants to go to Washington.

The WITNESS.— I am not going until to-morrow.

Senator FASSETT.— We will go on until quarter-past 1; oth
ses can be excused until half-past 2.

By Mr. IVINS :

Q. Now, Mr. Andrews, that answer that you have give
gard to Eisman's place, or Gombossy's place, is typical of w
swer would be in all that class of cases, is it? A. I think s
Q. Now, when the license is granted a bond is taken? A.
Q. Now, leaving apart the terms of that bond, tell us wh
derstand that bond is taken for? A. The bond states on
at it is taken for; it involves a penalty conditioned upon the
nduct of the place.

Q. Did you ever know of one of those bonds to be enforced
n't think that there ever was a suit commenced on a bond b
Q. Before Mr. Dayton brought his action for his board? A.
was done for our board; I have some recollection that th
newhere in the upper part of the State a record of some su
cise bond; Mr. Colby, the law clerk, could tell more defi
not remember more distinctly the fact about that; it is a
looked into very carefully.

Q. Why should there be any question about the forcibility
nds? A. In the first place the law did not make any prov
how the bond was to be sued or by whom; it simply provi
e bond should be given, and the bond was upon certain co
Q. To whom was the bond given? A. The bond was give
mmissioners of excise.

Mr. GALE.— The applications are filed with the county clerk.

The WITNESS.— [Examining application.] The bond is given to the people of the State of New York.

Q. Well, then is there any question as to who should sue the bond? A. Yes; that question has been determined now by a decision of the Supreme Court; up to that time there was a very serious question, and we brought suit for the purpose of having that question adjudicated.

Q. How long had you been in office before you brought that suit? A. I can not answer that precisely, but we had been some time in office before that was done.

Q. Did you and your fellow commissioners, while in office, have any discretion as to the reason why these bonds were taken, and if taken, why not enforced? A. We had very frequent discussions. [To Mr. Gale.] Mr. Gale have you the letter book there that contains that communication?

Mr. GALE.— No, sir; he brought the wrong letter book.

The WITNESS.— That letter book contains the letter to the board of estimate and apportionment in which this whole question of bonds is stated, and I would rather refer to that instead of trusting to my memory, because it involves a number of bonds for which we asked an appropriation to begin suits on.

Q. If these bonds were carefully taken and strictly enforced, the income from those bonds ought annually to pay about one-third to one-half of the entire expenditure of the board, ought it not? A. Well, I don't know.

Senator FASSETT.— After they began to enforce them once, perhaps they would not violate them.

Mr. IVINS.— Or else there would be fewer violations of the law.

The WITNESS.— We revoked in the last year 875 licenses; there were convictions in the courts which worked a revocation of licenses for violation of the law to the amount of several hundred more, I don't know how much; but if there were 1,000 licenses revoked, and the penalty of the bond is $250 — the bond as to a licensed place licensed to sell not to be drank upon the premises, is $500 — and that would be $250,000, if there were 1,000 licenses.

Q. If there were 1,000 licenses and there are about 1,000 revocations either by the act of the board or the findings of the court, and the violations continued as they do to-day in the same number, and the revocations continue in the same number, but the bonds were enforced, you would then have more than twice the expense of the entire board, would you not? A. If you collected the penalties you would.

cause of violations of the law as incident to the forfeiture
nds, or if there were no decrease, then as incident to the
ant of the bonds, you would have a revenue sufficiently large
er twice the expenses of the board?

Senator McNaughton.—You mean decrease in violations.

Mr. Ivins.—I said decrease in violations, and subsequently d
revocations; the thing is never enforced, therefore the vio
not stop; if it were enforced, either one of two things
ppen; either the violations would decrease or else the coll
uld be sufficiently large to make the violators of the law
tire expense of the department and more besides.

). Is it not a fact that going on a bond of that kind has com
ort of formal act of *bonhomie* or good fellowship so rega
Yes; I suppose so.

). Did you ever know of anybody having any difficulty in
ondsman on a license? A. Of getting a bondsman?

). Yes.

enator Fassett.—For the purpose of making a bond to acco
cense.

. For the purpose of making a bond to accompany a license, d
r hear of anybody having any difficulty in getting a bond
No, sir; I do not know as I have, because I have neve
asion to secure bondsman.

. What steps are taken when those bondsmen want to ju
I have known of bondsmen who wanted to get off of a bond.

. Is it not a fact that the tradition during your time wa
e were certain men in New York city that

kind, we instituted a book — had prepared a book, keeping a record of bondsmen, which records are entered up alphabetically, and that whenever an appplication for a license was made, it was the duty of the clerk in the office who had charge of the book to examine and see whether the bondsmen on this application were also bondsmen on other applications, and if so, what; so that it was impossible for a man to be a bondsman on any considerable number of cases, or it was in fact impossible for him to be a bondsman on two cases without it being called to the attention of the commissioners if the clerk did his duty.

Q. That was undertaken for the purpose of seeing that any one bondsman did not take more than he could carry? A. Yes, sir; we thought if one man was going on a number of bonds, we would accept him unless he was a man fully competent to pay.

Q. What steps were taken to see whether he was competent, even on the first bond that he went on? A. No step was taken except to require that he should make oath.

Q. Was he ever examined on his justification; was he put under an examination, such as the courts put a man under when he goes on a bond, as to his real and personal property, and its location and value? A. The application clerks would not accept men as bondsmen unless from their appearance and answers to their questions they were satisfied that they were responsible persons.

Q. Do you think a man should be taken as a satisfactory bondsman because of his appearance? A. Not wholly, but I think there is no other way in which a bondsman can be accepted in the excise office except upon taking his statement under oath, and if a man were apparently a wholly irresponsible person, and he were to swear that he was worth so much money, the application clerk would be justified in refusing to take him as a bondsman?

Q. How many application clerks are there? A. We had one application clerk with two assistants, I think, and then at certain times in the year, when they were very busy we detailed certain of the inspectors.

Q. Now, during the time from the first of March to the first of June, how many inspectors would you detail to assist the application clerks? A. We had five or six persons in the room.

Q. During those times a hundred or more applications would come in? A. They would run over a hundred some days.

Q. And consequently at least 200 bondsmen would appear with their principals — 200 sureties with their principals? A. Yes, sir.

$894,000, nearly $900,000 in round figures, and the exp
increased about $70,000; in my judgment, the present
excise board, except as to the inspectors who are assigned to
in my judgment, the system, as I have already stated,
failure.

Q. The bonds then were carelessly taken, no doubt? A
I was in the excise board, they were not carelessly taken by
the utmost care was used that was possible for us to exerc

Q. Under the circumstances? A. Under the circumstan

By Senator FASSETT:

Q. But the utmost care that it was possible for you to exe
not lead to an adequate supervision? A. What do yo
"adequate?"

Q. If the machinery of the office was inadequate, how
investigate 200 sureties a day? A. We could not, except
statement under oath.

Q. If you could not, you did not? A. We took their
under oath.

Q. What statement? A. That they were worth $500.

Q. It was mere form, was it not? A. Yes, sir; the chara
property, whether it was personal or real property, that
under oath; as to following these men up and examining th
and finding out whether they had a valid title to the pro
was impossible.

Q. In so far as identifying the individual you did not
means of doing that? A. Except that we kept

that no bond has really been enforced? A. I do not think the bond was ever enforced.

Q. That was not my question; is it not a fact that under these conditions I have repeated from your testimony the provisions of law have entirely failed for the purpose for which they were enacted, as an essential part of your system? A. Yes, sir.

Q. Now, before lunch, I will ask you two or three questions on one further point; that is, the revocations and the granting of a new license to a new party upon the presentation of a bill of sale from the old licensee, of the goods and properties in the place; what steps were taken for the purpose of seeing that those bills of sale were really bona fide bills of sale? A. Well, that depended upon the case and the ground upon which the license had been revoked; a revocation of a license for a mere failure of the requirement as to the hours of closing was regarded very differently from a revocation of a license on the ground that the place was an improper place to be licensed, a disorderly house or a resort for theives.

Q. Is it not regarded by you in such a light as to lead you to find out if the new party conspired with the old licensee to defeat the purpose of the law, and to take a bill of sale which was not bona fide? A. In some cases we did not require a bill of sale.

Q. Let us assume the case of a license from these police reports that I have put in here yesterday, which applies to two-thirds of the cases during the last year; for instance, where the place has been relicensed to their bartenders on the same day.

Senator Fassett.—How many case?

Mr. Ivins.—About two-thirds of the cases which have been certified to the board of police by the board of excise. It appears that the license has been granted over again, or the place has been relicensed to the same parties or to their bartenders on the same day. That is the result of a hurried investigation of it. I am having the matter put into good clean statistical shape.

Senator Fassett.—I think we had better adjourn now until half-past 2.

Adjourned to 2:30 P. M.

Afternoon Session.

Continuation of the examination of William S. Andrews:

By Mr. Ivins:

Q. Mr. Andrews, we were looking into the matter of revocation of licenses, bills of sale to new parties in favor of which new parties

ommitted for which the license was revoked, should have
o do with it hereafter — we had reason to believe that the l
ight not be actual evidence of the transfer to new parties,
n examination and sometimes a very careful one.

Q. It has happened that bills of sale have been made by
o their wives, has it not? A. It may have happened so, but
as never granted to the wife of any man whose license
evoked upon the ground that law making it improper —
erson whose license was revoked — the language of th
incapable of receiving a license during three years" — re
mproper to grant a license to his wife, the wife and n
ractically the same as we considered it.

Q. Suppose a man's place had been found open at 12 o'cl
orning or had been found open at 2 o'clock, or that liquor
ound to have been sold there on Sunday; in that case would
e granted to a man's wife on a bill of sale to her by the
. Not to the wife of the former licensee.

Q. That is what I mean? A. No; that was the practice
ormerly, but we refused to do that.

Q. Have you ever granted licenses to a man's bartender o
ale? A. Possibly we may have done so.

Q. In that case would you take any special precauti
whether there was an actual bona fide bill of sale of the
. I have stated that in some cases we took very great pre
scertain as to whether it was a bona fide transfer; in othe
imply accepted the paper; in some cases as I have stat
ecess, no bill of sale was required.

Q. Have you not known instances in which parties have

was one such case; we refused to relicense the place known as the Palm Garden; it was licensed to and owned — conducted by a man named Ginther, who had been a proprietor of licensed places in New York for a great many years; we became satisfied that Ginther was not a proper person to receive the license and refused to grant a license for that place, or, in fact, for any other place to him; the Palm Garden remained unlicensed for a very long time, but after a year, perhaps, or more, a man came and represented that he had come from the mayor's office, where he had presented letters of introduction to the mayor — Mr. Hewitt was then mayor — certifying to his being a man of respectable character, and asking for a license; we refused to grant a license for that place until we were fully satisfied that it would be conducted as a respectable place, and also that Ginther had no connection with it, whatever; some circumstances had occurred before, which rendered us somewhat suspicious in that regard; finally, after several weeks of waiting, they brought to us a transfer of the lease and surrender of a mortgage made by Ginther, receipts for the purchase money of the place, and a new mortgage executed by the new purchaser to the brewery who owned — a Williamsburgh brewery company, who, I think, owned the personal property — and these papers were all regularly executed and recorded; everything was in proper form, and we took the testimony under oath of the applicant and of the representative of the brewery, that they were bona fide transfers, and then, after a music license — a concert license — had been granted for the place by the mayor, we gave an excise license, upon the filing of those papers; it was very soon discovered, however, that Ginther was still on the premises, and after some examination and investigation, we were satisfied that Ginther was still the real owner of the property, and that the place was being used for immoral and improper purposes, and the license was revoked within a few weeks after it was granted.

By Senator Fassett:

Q. Were there complaints made by outside parties? A. No, sir; none, whatever.

Q. Then it was a case where you did not wait for outside parties? A. Oh, yes, sir; there were many cases where we didn't wait; as I said before, there were 1,108 cases in one year where we acted on our own complaints.

By Mr. Ivins:

Q. It is not customary to license a new place unless the license for some old place is surrendered? A. You say customary?

where not licensed, he would, on application to the
with him the license of some place which was abou
or had expired, and for the relicensing of which no appl
been made? A. No; we would not accept a license that h
it had to be a live license; if a license expired, before ano
was issued in its place, that was a permanent diminution
ber of places, and it was in that way as I say during the
my term 459 places ceased to exist — licensed places; the
ber of places was decreased by that number.

Q. Now, suppose that John Smith wanted a license of
he were a new man and that that place had never been oc
liquor store; he could only get that on bringing to you
which was about to expire on this corner, or that corner, o
corner, or some place in the city? A. Yes, sir; we found t
of the lack of restriction as to the number of licenses iss
some places there were a great number of licensed places;
some places where there were twenty or thirty in between th
on the average.

Q. It is customary for the people to bring in an old licen
by that as proof that the number is not going to be in
that that new license will simply take the place of an old
far as the numerical weight or strength is concerned? A.
I was going to say, if you will permit me, the man who
open a new place must go and buy out some old pla
probably went to the places that were liable to be closed.

Q. The least profitable? A. Well, in places where th
great many.

Q. Didn't that result in a system of brokerage in old li
Well, possibly it did.

Q. Didn't you hear it? A. I have heard accusations of that sort made.

Q. Who did you hear was doing this business? A. I do not know that I heard that any person, specially, was engaged in doing that; nor do I know that anything of an improper character was done.

Senator FASSETT.—It wouldn't be improper at all; would it?

The WITNESS.—No.

Q. Not necessarily? A. It would not be improper.

By Senator FASSETT:

Q. It would only be a singular exhibition of the workings of a system, or an interesting exhibition? A. A man who has a license to sell, would naturally go to deal—

Q. With who wanted to buy it? A. With whoever wanted to buy it; but in the greater number of cases the licenses were obtained by the agents of the breweries, or the wholesale dealers, whose customer the licensee was to be—the person applying for the license; they would know, for instance, a brewery having several hundred customers could get a new man going to them and saying to them, "If I can get a license I will take your beer;" now, from the facts they would know of a customer who had failed or who was going out of business, and they would go to that man and get the license.

By Mr. IVINS:

Q. So that this finding an old license to be surrendered on the furnishing of a new one was done through the brewers? A. Chiefly through the brewers.

Q. That is incident to the fact, is it not, that brewers through the city are very large advancers to retailers, taking back mortgages on their property, etc., in such a way that in many respects the retail beer seller or liquor seller is virtually the subordinate or agent of the wholesaler or manufacturer? A. Hardly that; the majority of the licensed places, I think, are mortgaged; either the brewers or wholesale dealers have a chattel mortgage upon the property, but I do not think it is proper to say that the liquor dealer is the agent of the brewery; he is his customer.

Senator FASSETT.—Let me break in there. Do these wholesale brewers furnish the bondsmen in such cases?

The WITNESS.—They could, very likely—yes, I think they do in a good many cases—if a customer hadn't bondsmen, but I think the applicant generally found his own bondsmen.

Q. This system, then, didn't work at all, to limit or control the wholesaler or manufacturer's ability to get his stuff distributed through the community as a rule? A. No, I do not think it did.

license, except the licensee — and it frequently occurr
place was licensed and a man goes out of the business a
license — the Supreme Court decided that — and that w
from our office — his license did not expire.

Q. Notwithstanding the fact that the license ran to t
and not to the place? A. The license covers both the p
individual; the license can only be used at the pl
the license.

Senator FASSETT.— After six months Mr. Smith can not
for a saloon under a license issued to Brown?

The WITNESS.— No, sir; not any time.

Q. But Mr. Brown can, upon leave granted him by th
his license to sell from No. 1 Barclay street to No.
without any additional payment? A. He can have the
ferred upon an application, but he must give a new b
application is in every respect precisely like an origina
except that no fees are required; that is in accordance
the Legislature passed in 1863, I believe.

Q. How many licenses can one man get to sell liquor
city? A. One man can only get one license.

Q. Now, isn't it a fact that there are a great many
which one man really is at the head of a liquor busi
places? A. Yes, sir.

Senator FASSETT.— Put it one interest.

Q. One interest controls them? A. Oh, yes.

Q. How is that? A. There is Delmonico's, Park

Q. What does he swear to? A. He swears that he is the only person — he swears that he and the person named in the application are the only persons having an interest in that business; there may be a dozen persons in it.

Q. Does the application show? A. The application shows; take the application — all the applications that the Delmonico's make, contain the name of all the persons interested in the Delmonico's business; the license for one place is granted in one name, and the other in the other; the license has nothing to do with the proprietor, under the law.

Q. How is it in the case of Gerken; Gerken has three or four places; would the licenses in that case show who the partners were? A. The application would; I presume it would; he probably has — I presume that he has a manager in each one of his places, and that manager or whoever has charge, applies for the license and gets it; a license — perhaps I needn't tell you — it is a mere permission to sell in that place, and it is proper that it should be granted to the person under whose conduct the business is carried on there.

Q. How is it proper — if the bond is to be sued on — the person who is the manager — the bartender — in charge at that place wouldn't suffer any loss, would he; the loss would be on the owner — the property loss? A. Yes, it would be on the owner, of course.

Q. Why shouldn't these licenses all run to the individuals who are the actual owners then? A. You mean to the person who owns the place?

Q. Yes? A. They should, in my judgment, and I drafted a bill three year's ago, which contained that as one of the provisions, permitting any number of licenses to be granted to one person, provided he was a suitable person; it seems to me no proper reason why a man who conducts that business, the business of selling liquor, if he conducts it well, or successfully, or who conducts a restaurant and has the privilege of furnishing wines or beer or liquors to the persons who frequent his restaurant — if he has one or more, I don't know, but the law says that the commissioners of excise may, upon certain conditions grant a license to the applicant — a person applying for any one named place; that language "Any one named place" has been construed to mean that the license could be granted for one place only; I am not sure that that is the correct construction of the language; it may be construed differently.

Q. If that were the correct construction, then the law is being continually circumvented, is it not? A. No, sir; I think not.

Q. By granting licenses to managers and bartenders?

...over only one place, and that the language "any one n
refers to the license and not to the person; that was n
but I was overruled by my associates in the matter,
counsel of the board, who thought it was safer to a
practice that was then in vogue.

Q. Did you, while you were commissioner revoke the li
Manahan; did you revoke a license on one Manahan wh
commissioner? A. Yes, sir; I recollect such a case.

Q. Would you know Mr. Manahan if you saw him again

Mr. Ivins—Is Mr. Manahan in the court room?

Q. [Continuing. Indicating gentleman in room.] Is th
Mr. Manahan? A. The man standing in the doorway?

Q. No; this one here [indicating]. A. No; I do not t
the same man.

Q. Is the man standing in the doorway? A. I can no

By Senator Fassett:

Q. Mr. Andrews, under the way the law is administered
inspectors play a very important part in the granting or
licenses, don't they? A. They did not while I was a comm

Q. It didn't depend upon their reports then? A. Excep
their failure to report facts that might have led to the refu
license.

Q. But in so far as you depend upon inspectors, they do pla
important part in the granting or revoking of licenses; do
A. Yes; they do.

Q. Haven't they to a large extent the reputation of any gi
of the commissioners in their hands? A. I think they have

Q. So that so far as inspectors are to be depended upon, at all, they practically have the reputation of the board in their hands? A. Very largely so.

By Mr. Ivins:

Q. Mr. Andrews, how many men did you secure the appointment of as inspectors, whom you had yourself personally known prior to your becoming an excise commissioner? A. I do not recollect that, sir; perhaps half a dozen; I do not know.

Q. Perhaps half a dozen out of the lot; not more; out of the lot? A. I think not; I think that would cover it.

Q. Now, isn't it the fact that there was very strong political pressure for these places? A. Yes, sir.

Q. Weren't you frequently appealed to by this leader or that leader, or this politician or that politician to make appointments or to favor appointments? A. Yes; we were.

Q. And weren't most of the inspectors appointed by the commissioners because they were recommended for the place by politicians of strength and standing and reputation in the community, in one form or another? A. No, sir; I think not; not while I was in the board.

Q. You say you may have nominated six men whom you had known prior to your becoming a commissioner; have you any idea how many men Mr. Woodman had appointed of whom he had knowledge prior to his becoming a commissioner? A. I do not know; perhaps the same number; it may have been more or less.

Q. And probably Mr. Van Glahn the same number? A. Mr. Van Glahn; I can not say as to that, sir; there was, perhaps, a dozen or fifteen men appointed on Mr. Van Glahn's special recommendation; how many of them he had known previously, I do not know.

Q. If a man came to you and made application for an appointment to an inspectorship, and gave the names of two or three bankers and one or two business men, and Mr. Morris K. Jessup, and H. B. Claflin, would his case be taken up and considered, and would he be apt to get a place? A. Yes; I think he would, if there was a vacancy.

Q. Wouldn't he be much more apt to get a place if he came there recommended by some prominent office holder or politician; wasn't that the custom and practice? A. You are speaking of the time while I was in the board of excise.

Q. Yes. A. No, sir.

Q. Is it not a fact that the committee made a number of appointments, because you had been requested to make them by office hold-

recollect; I will tell you what I ca

Q. Can you remember any one person for appointment, Mr. Andrews, who was at the time the appointment a prominent political leader or life? A. One appointment, I recollect, was mad dation of Mr. Beattie.

Q. You remember somebody else, I guess? ment was made on the recommendation of Police not recollect all of the recommendations that were fact when we went into the board there were a nu already employed; we didn't dismiss anybody; we very few exceptions; we retained the men who wer during our entire term we never asked for the inspector or employe, except for cause, unless for s dissatisfaction with his service, so that the men who when we went there remained; there were a certain if you recollect the circumstance of our going int remained with the old commissioners who contested office, and who when we notified them to report fo report; those men lost their places by reason of report to us for duty, and the new men we appointed chiefly on recommendations other than that of the pol

Q. That was about one-third of the force — about or with the old board? A. Yes, sir; one-third of the wh that.

Q. Did you appoint any one on the nomination of M No, sir; I never did.

Mr. Woodman's appointments may have been persons suggested to him by Mayor Grace.

Q. Did you appoint anyone on the recommendation of Mayor Cooper? A. A gentleman was appointed on the recommendation of ex-Mayor Cooper; but it was done in accordance with a request that we made, that we had the power to increase our force; we asked several gentlemen to recommend good men to us, if they knew them; we asked Mr. Hewitt, and Mr. Hewitt said that while mayor of the city he wouldn't recommend anyone, and we asked Mr. Cooper, and he did recommend a gentlemen — Mr. Harper.

Q. Now; when these parties were so recommended and appointed, what steps did you take actively for finding their qualities for the place and discovering whether or not they were proper persons for you to lean on, in view of the fact that so much of the responsibility of the commissioners has to be delegated to the inspectors? A. Well, we may have taken more care in some cases than in others, but the board, as a board, acted usually upon the recommendation of one of its members, as for instance, if one of the commissioners knew a man and was satisfied with him, and said so to the others, he would be appointed.

Q. Then two members of the board took the chances on the other member, and the other member took the chances on his man? A. That might be the case in some instances, not always.

By Senator Fassett:

Q. How did you arrange about the appointing power; did you divide up the number of employes and each appoint a regular number? A. No, sir.

Q. Did you have anything of that kind? A. No, sir.

Q. How did you work out that little problem of patronage? A. We didn't have any; no appointment was made except by consent.

Q. The board was peaceable? A. During the whole time I was there nothing was done by two commissioners that a third commissioner objected to.

Q. I want to ask you a general question; have you any improvements to suggest to the present excise system? A. That is a large subject, sir.

Q. That requires a large answer; being a large man we expect large information; I suppose your first answer will be yes, or no? A. The first answer is, yes; I think the excise system can be very much improved.

Q. We would like to have you, as concisely as possible, point out some directions in which it could be improved, produced from your experi-

is to enforce the law to the duty that the law imposes will then have solved the problem; but you must mak laws first; you will not get any community to obey the l themselves do not see the justice of.

Q. That is a very general statement, it is like sa nature were only perfect, and you had your laws perf have perfect administration? A. Yes; perhaps so.

Q. We will assume all that; there is some specific ness, where you could take men as they are — take hu it is — and suggest something practical and have it Suppose I make an illustration; the excise law is applying to the whole State; it requires that no shall be open between the hours of 1 o'clock in and 5 o'clock in the morning, say; that is a ver wherever licensed places are situated in residence n or in small towns or villages, or in those parts of are occupied by residences, but you have in the city a population of perhaps not less than 50,000 people ness — the work of their daily life — commences at 1 or in the morning; you have in this city thousands of me at 2 o'clock and 1 o'clock to get their breakfast, and chiefly done while the law says the restaurant where t their breakfast shall not sell them a glass of beer; you you have milkmen, you have marketmen, you have rai people coming into the city at all hours of the night, w much entitled to have everything they require, just the man who goes to bed at 6 and gets up at 7; now, your notice of those people, or their

requires that these places should be open for the accommodation of people who have business in these neighborhoods, and a law that requires them to be closed is absurd, and the people know it; if you will give an excise commission the right to grant special night licenses about printing-houses, about newspaper offices, about markets, at railway stations and ferries, and places where in their judgment it is necessary — open public thoroughfares — where the great population of people who are out doing their work, and earning their living in the night time may be treated just as people are who are out and earning their living in the day time; I do not think that such a privilege would be abused, under proper restrictions, and I think if you did that that the liquor dealers, as a class, would unite in compelling the closing of places which ought not to be open late at night, where they are likely to disturb people in the residence neighborhoods.

Q. That is one suggestion; your prescription first is that where a law contravenes the demands of the public, that law should be abrogated, so that there shall not be any breaches of artificial requirements of the law? A. Well, I didn't put it exactly in that way.

Q. That is about the drift of it? A. You asked me how the law could be improved; I say that the law is not enforced, and in my judgment no law will be enforced that interferes with the convenience of the public, where there is no necessity for restriction; public opinion is more binding, always, and more effective than statute.

By Senator McNaughton:

Q. Is that the whole of the case, Mr. Andrews? A. Yes, sir; I have never in my life known a man who was convicted for killing another man who was found in adultery with his wife; I have never known a conviction; I have never known a jury to convict in such a case, and yet there is murder.

Q. That is an exceptional case? A. I think it is the principle that underlies all government and all law; men obey laws that they see the reason and justice of; it isn't the rule that a great community anywhere desires to disobey the law in those cases that are proper; there are law breakers, but the great majority of the community is against them.

Q. Who is to be the judge of the reasonableness of the law? A. The Legislature has to be now, sir; I think the citizens of the city of New York ought to be.

Q. Home rule you believe in? A. I do, asbsolutely; yes, sir.

Q. Now, in the report of the excise commission for 1888, at page 11, they speak of some necessary changes in the law which they go on to

Q. Now, when you made the report in 1889, you had h
years more experience, and is that all you had to say in
necessary changes that you referred to? A. There we
other provisions of the law that were referred to as neces
but unless my attention is called to them, I don't call t
in a moment.

Q. I can not call your attention to them, because you re
necessary changes; I don't know but what you might
some specific change in the law; can you, now, Mr. An
mend to the committee any present change in th
which affects the city of New York, other than thi
have just referred to? A. Yes, sir; I would grant
of the people of the city of New York getting beer and
on Sunday, if they desired to do so; this city contains a
hundreds and thousands of people who come here fr
countries, where it is their habit and their custom — th
good citizens as any citizens we have — where it is th
their custom to drink their beer and listen to music, a
recreation on Sunday afternoons, and they bring with th
to do the same thing here, and I, for myself, see no reas
desire to do so here should not be granted.

Q. Would you restrict it to beer and wine? A. No, si
I wouldn't restrict it at all; I think that the proper way to
excise question is to punish the abuse of the use of intoxic
think that you will ever remedy the evils that grow out
intoxicating liquors by restricting the sale at all; the re
upon the sale, unless you could make absolute prohibiti
sarily inoperative; men will get liquor if they want it,

Q. That is a restriction? A. I do not say that at all; I haven't said that; I would drive out of the business every man who has a license who permits a man to get drunk on his premises; I would render a man incapable of receiving a license who encouraged a man to drink under the circumstances; I would render a man incapable of receiving a license who kept a disorderly house, which was a nuisance; I would take away his license and I would not license the house, as well as the man; that law operates very well in England; if you do that, you make the property owner—the landlord—a party to the conduct of the business.

Q. Mr. Andrews, you can take away a license now, if a man doesn't conduct his business properly; while you were excise commissioner, you had a chance to take away 8,000, if they didn't conduct their business properly; how many did you revoke? A. We revoked a good many; we revoked 2,000.

Q. And renewed them? A. We renewed some of them; not all by any means; I want to say here, distinctly, that during the time I was excise commissioner, no license was ever granted to any place against which there was complaint or in the face of our having before us evidence to prove that it was an improper place to be licensed; I do not know of any such case; we may have, and unquestionably did, license places that ought not to have been licensed, but we did not have before us evidence to satisfy us that they were improper places to be licensed.

By Senator McNaughton:

Q. In the report which you have in your hand, you refer to sections of the law which differ as to the proper construction; what did you refer to in that law? A. I can not answer that question off hand, sir; I can not bring my memory to bear upon all the provisions of the law; I know that the matter was very, very carefully considered and that if the committee desire any reference to the law I can furnish them in writing, but I can not give them now.

Q. We don't care so much about references to the law as we do about the suggestions you had in mind when you wrote that report—what you referred to; can you get at that by an examination of the law, and refreshing your memory as to it? A. Yes, sir.

Q. Will you do so and hand it to the committee or to the counsel? A. Yes; I will do that.

Q. I wish you would; you refer in that report to assistance from co-ordinate departments of the city; what departments did you refer to? A. Where is that, sir?

than once — twice, I think, to the police department, asl
should inform us of any case where a place was licer
improper to be licensed, or make any recommendati
licensed place, where it was a resort of bad characters
where robberies were committed, or for any reason in th
a place to which our attention should be called as an in
to continue to be licensed or to be relicensed; we did
the police department quite a number of complaints in a
request; during the entire time that I was in the board
never got any information as to places that were resort
or were used for purposes of robbery, as for instance, we
the newspapers accounts of men being taken to barroo
where they were robbed or drugged or money taken f
bunco men; we were never able to locate any one of thos
district attorney's office was requested to also inform us
the course of the business of that office, it came to the
the district attorney or his assistants that any place was
place to be licensed; from the district attorney's off
received any information whatever in regard to any suc
not know that they ever had any to give; I am stating
reply to your question.

Q. The rule of your board requiring the written co
owner of the property was in view of the Civil Damage
was because of the Civil Damage Act; yes, sir.

Q. Now, whether a license should be granted or r
wholly with the excise commission? A. Apparently, y
regard to the mandamus law, to which I have referred.

Q. Who passed the mandamus law? A. That I don'

By Mr. IVINS:

Q. Aren't you a little in error about that; weren't you appointed in May, 1885? A. No, sir; May, 1886.

By Senator FASSETT:

Q. An indictment would be sustained against excise commissioners who grant a license willfully to a person who sells spirituous liquors, knowing that that person wasn't a man of good moral character; that is the law, is it not? A. Yes, sir; when we went into the board the inspectors were receiving $900 a year; I do not know of any position which is so liable to abuse, if a man is willing to abuse his position, as that of an excise inspector; it was a matter of general notoriety that it was the custom of liquor dealers to give an inspector small fees, when they made their inspections; one man told me that until the time that he was speaking to me — up to that time, the time he went into office, he had always given the inspector twenty-five dollars every time he came to make his application; it seemed to be a recognized system; it wasn't recognized in the sense of being approved of; but I do not know that any effort was made to restrict it; we did endeavor to prevent inspectors of excise from receiving any contributions or any money or fee of any kind from persons with whom they had official business.

By Senator FASSETT:

Q. Did you ever have any complaints that that practice continued after the increase of salary? A. We never had any complaint that we could locate; we tried hard in every way to get knowledge if there was any to be got; we had some complaints, but we were never able to prove them and it was for that reason we thought it proper to increase the salary and the board of estimate and apportionment wouldn't allow us to give them more than $1,200; if I had my way, I would give an excise inspector $2,500, at least, and then I would send him to State's prison for a long term of years, if he didn't do his duty.

By Mr. IVINS:

Would you take any greater precaution about his employment than you did when you were commissioner? A. No.

Q. Take the same men, recommended by the same class of people, under the same circumstances and conditions? A. I think that we had a very good class of men.

Q. Notwithstanding which fact, you found it necessary to make three or four thousand revocations during the course of a year? A. There is no relation between that question and answer, Mr. Ivins.

Q. If a man took proper care as to the anteceden
character and general reputation of a licensee, he coul
out whether he was a man who had theretofore been a
people who were in the habit of breaking the law,
belonged to a certain law-breaking class; whether he
might call a "dyed in the wool," thick and thin, liquor
after the liquor interests, in preference to anything else
a way as to have prevented his getting his license?
would go to the question of the character of the applican
Q. Certainly. A. It wouldn't have any relation to s
of the law that might be committed afterwards.
Q. Then you don't think that improving the chara
inspectors and securing greater thoroughness on their p
all decrease the number of violations of the excise
necessity for revoking licenses? A. I do.
Q. Very well, then you see how the question and
connected? A. I do, because it would prevent the lic
great extent, of persons who ought not to be licensed; b
how good an inspector was and no matter how well h
his duty, or how good a man he was, he couldn't be held
for a violation of the law which was committed some mon
made his report.

By Senator FASSETT:

Q. You think if you had a lot of men who gave thei
benefit of their ignorance, you would get along a great d
A. I do not know, absolutely, whether you can pick out m
do wrong; even bank presidents and clergymen go astray.

By Mr. Ivins:

Q. Your observation and experience show that that was a good way? A. I do; we took a great deal of pains to prevent persons having such licenses from selling liquor; a great many licenses were revoked because of their selling liquor under a license which authorized the sale of beer and wine only; but the discrimination in favor of light wine and beer — light drinks — I believe to be a proper one; the liquor dealers, as a class do not agree to that, chiefly, I think, because they maintain that persons having the lower grade of license do sell liquor in violation of it.

Q. At page 5 of your report for 1886 — I quote from the report — you say: "There is now no power conferred on the board of excise to compel obedience to law; that power rests wholly with the police;" is that true? A. I think so; there is no power to compel obedience to the law; we can revoke licenses — the excise commissioners rather, can revoke licenses; that is all they can do; they have no power of arrest, and no police powers whatever.

Mr. IVINS.— How can the police compel obedience to the law?

Q. Will you tell the committee how that power is vested in the police?

Mr. IVINS.—That is, how can the police compel obedience to the law?

The WITNESS.— Only by making arrests.

By Mr. IVINS:

Q. That is arrests for violation of the law, not compelling obedience to it; you can do the same thing by revoking the license? A. Well, yes.

By Senator MCNAUGHTON:

Q. The words you use are that "it rests wholly with the police to compel obedience to the law;" would you modify that now, if you were to write that over again? A. Well, I don't — I will look and see; it may be.

By Senator FASSETT:

Q. As matter of fact it isn't true, Mr. Andrews, is it? A. [Not answered.]

By Senator MCNAUGHTON:

Q. Page 5 of your report for 1886? A. Well, I say this refers — there is a matter of great importance bearing directly upon a proper execution of the excise law, to which we think it is our duty to allude; [reading] it refers to the power of selling without a license; now, suppose the excise commissioners have absolutely no power whatever

Q. Take those places already licensed; the police have the power that the excise commissioners have; the license; they can only complain? A. Yes, sir; we on a hearing; I see a statement that there were over four and five thousand arrests made in this city for v excise law, in the last year; I have no doubt that the many more violations than there were arrests; it would board, using all their time, with the other duties the form, certainly over two years to hear those cases an those kinds alone; it is an impossibility for them to do

By Senator McNaughton:

Q. Would you recommend that the board of excise power in that respect? A. In what respect?

Q. As compelling obedience to the law? A. I woul if it is desired to punish persons who are arrested for v law, that some machinery should be found for trying adequate; the excuse made in the district attorney's offi try their pressing cases first, and that those occupy the exclusion of everything else; the same thing is true board; in the excise board we would try those cases agai houses, complaints of places that were improper places t and dispose of those before we took up mere violations for selling after hours, and the result of that would b cases, many of them, would not be reached; the licenses long before we could get to them, working night and the other duties that are imposed

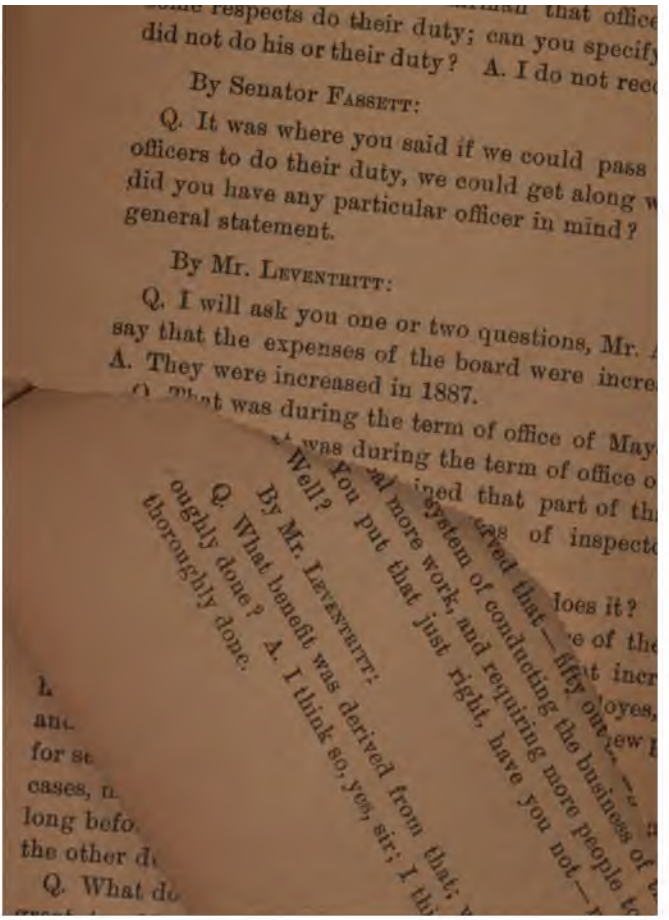
I have here a letter which I brought down from the board of excise office; when we came into the office we found that the bonds had never been prosecuted; the question then came up as to how they were to be prosecuted; the bond being made to the people of the State of New York, it would appear that the Attorney-General was responsible for us to prosecute; we held correspondence with the Attorney-General; finally on the institution of test cases in the Supreme Court, which have now been decided, I believe that the commissioners of excise were determined to be the proper persons to prosecute; but that can not be done unless the commissioners of excise have the means to do it; the board of estimate and apportionment absolutely refuses to allow us any money to be used for that purpose; I desire to read a letter which was written to them [witness here read a letter dated March 22, 1888]; that communication was sent to the board of estimate and apportionment, and they refused to allow us the money necessary to enable us to go on and prepare these cases.

Q. Was their refusal in writing? A. No; it was by a vote of the board; Mayor Hewitt and the comptroller voted to allow the money, and the president of the board of aldermen, Mr. Fo[illegible] Coleman, of the tax department, voted against it.

Q. It was a tie vote then? A. Yes.

Q. No further action was taken than that? A. No further action was taken; so much money was provided for specific purposes; that is, so much for such a clerk, so much for such a clerk, so much for such and such expenditures, and we were not permitted under the appropriations as made by the board of estimate and apportionment to use the money except for the purpose specified, and that I think they had no right to do; I think that under the law they should have made appropriation in a lump sum, but that had been the practice before that; we were tied down to the expenditure of the money for the specific purposes for which it was appropriated, and the comptroller, under that resolution, would not pay us, if we used it for any other purpose; and we absolutely did not have a dollar with which to commence suits against bondsmen.

Q. Subsequently to that in your report you say, that hereafter if licenses are revoked, the bondsmen would be immediately prosecuted for the full penalty of the bond; that was not carried out I guess? A. Only so far as we could do it with the force we had; we had a counsel and a clerk, one man, and, so far as he was able, we did commence suits.



By Mr. Ivins:

Q. How do you measure the volume of the work; you largely reduced the number of the licenses? A. Yes, sir; but we made a very much more careful examination of the applications; as I am informed, before we went into office, the commissioners did very little else than sign the certificates of license and the bonds; I was told by one of the commissioners that he never spent more than two hours a day in the office during the whole of his term, except on rare occasions, from 10 o'clock in the morning until 12; the clerks in the office prepared all the papers, and the secretary wrote in the names of the applicants, and, unless one of the commissioners objected, the paper was passed.

By Mr. Leventritt:

Q. You refer now to the commissioners who preceded you? A. Yes, sir; we felt that that was not the way in which we were required to conduct the business of the office; every paper that went through the office was examined personally by the commissioners; the bonds were examined; the signatures on the bond and the form of the bond, and we required from our subordinates the most careful examination of the records in relation to the place, in order to prevent any mistake or any passage of any paper that ought not to be passed, according to the knowledge that we had.

Q. Mr. Andrews, you spoke of a mandamus which had been issued by Judge Bookstaver, directing you to issue a license to Mr. Kruse? A. Yes, sir.

Q. Were you in court during the progress of the legal proceedings attending the issuing of that mandamus? A. No; except on two occasions; I was present twice during a part of the proceedings.

Q. Were not the questions of fact involved in that application for a mandamus submitted to the jury for determination? A. The question of fact as to one particular was.

Q. Did that particular embrace the propriety of issuing this license? A. No, sir; not at all; it had nothing to do with it.

Q. What was the question of fact? A. The question of fact was that in our return to the writ we stated that the application for the license failed to state the persons interested in the business; a mere technical question; but although it was technical, it was fatal to the application; and that question, as to whether Mr. Kruse, who was the person who made the application, was the only person interested in the business, was referred to the jury.

Q. It was a peremptory mandamus? A. Yes sir.

Q. Was Mr. Cockran the attorney of record in those

By Senator FASSETT:

Q. I would like to ask if that was a correct answer; w
pelled to issue the license? A. Yes, sir.

By Mr. LEVENTRITT:

Q. Was it a peremptory mandamus directing the iss
license? A. Yes, sir.

Q. It was not a mandamus directing you to consider the
license? A. No, sir; it was directing us to issue the lice

Q. Was it not this; that it being found by the jury th
was the sole owner, and the application subsequently bei
that you should proceed upon that application and deter
the license should be granted or not? A. No, sir; it wa
a direct order of the court that we should issue the licen

Q. Was not that order predicated on the finding of th
No, sir; I think not.

Q. Partially so? A. I can not tell you.

Q. Did it not so appear on the record; did not the ord
this matter had been submitted to a jury, and upon thei
were so required? A. It may have done so; but there w
branch of the question submitted to the jury, and that
technical point; the question of the discretion of the ex
sioners in refusing a license, because this was an improp
licensed, that was the ground upon which we refused the
did not refuse a license because of a defect in the papers
it because that was not a proper place to be licensed; no

Q. Is not the fact that Mr. Cockran's entire connection with that matter was to try the question of fact before the jury? A. No; that is not so.

Q. You were present during the trial of that question of fact? A. I testified; I was a witness in the case.

Q. And Mr. Cockran conducted that in behalf of Mr. Bush, didn't he? A. Possibly, so; he was associated as counsel; I do not know whether he was attorney of record or not.

Senator McNaughton.—Can't a copy of that mandamus be furnished?

Mr. Leventritt.—Certainly.

Senator Fassett.—I do not see how, under that law, any court could issue such a mandamus.

Q. Was the writ of mandamus filed among the records of the excise board? A. I suppose it is.

Q. It was served upon you personally, was it not, after it was issued? A. Yes, sir.

Q. You were president of the board? A. No, sir; Mr. Woodman was the president of the board; I think we were served separately; it occurs to me now to correct my testimony; the first order in this matter was made by Judge Bookstaver, and I think the final writ was issued by Judge Van Hoesen.

By Mr. Ivins:

Q. From whom did you hear that there was a $10,000 fee going around in that case; it is material whom you heard it from; the committee wants to know? A. Well, I was told; I recollect one gentleman who told me.

Q. Who is the one? A. I met Mr. Grace, ex-Mayor Grace, one day, and he spoke to me about this case, and asked me what the reason was we had refused a license; he said that a gentleman had spoken to him about it, and he asked me for some account of it, and when I had given it to him, he said: "Well, this lawyer told me that he could get a fee of $12,000 if he could get a license for that place."

By Senator McNaughton:

Q. Didn't he say who it was? A. No, sir.

By Mr. Ivins:

Q. Did he not tell you the name of the lawyer? A. No; I did not ask him.

By Mr. Leventritt:

Q. Now, were any of the inspectors removed during your term of office for inefficiency? A. I do not think so; I am not sure.

Q. And the jury found adversely to the opinion of the commissioners; did it not? A. Yes, sir; they did.

Q. And it was after the rendition of the verdict by the jury, of the finding of the jury as to that fact, that this mandamus issued; was it not? A. Yes, sir.

Q. Did the mandamus compel you to consider the application of Mr. Kruse, or require you to issue the license? A. Well, it required us to issue the license.

Q. It was a peremptory mandamus? A. Yes sir.

Q. Was Mr. Cockran the attorney of record in those proceedings?

By Senator FASSETT:

Q. I would like to ask if that was a correct answer; were you compelled to issue the license? A. Yes, sir.

By Mr. LEVENTRITT:

Q. Was it a peremptory mandamus directing the issuance of the license? A. Yes, sir.

Q. It was not a mandamus directing you to consider the matter of the license? A. No, sir; it was directing us to issue the license.

Q. Was it not this; that it being found by the jury that Mr. Kruse was the sole owner, and the application subsequently being sufficient, that you should proceed upon that application and determine whether the license should be granted or not? A. No, sir; it was not; it was a direct order of the court that we should issue the license.

Q. Was not that order predicated on the finding of the jury? A. No, sir; I think not.

Q. Partially so? A. I can not tell you.

Q. Did it not so appear on the record; did not the order recite that this matter had been submitted to a jury, and upon their finding you were so required? A. It may have done so; but there was only one branch of the question submitted to the jury, and that was a mere technical point; the question of the discretion of the excise commissioners in refusing a license, because this was an improper place to be licensed, that was the ground upon which we refused the license; we did not refuse a license because of a defect in the papers; we refused it because that was not a proper place to be licensed; now, the court overruled us on that point.

Q. Now, was Mr. Cockran the attorney of record for any person connected with that application? A. I am not sure about that.

Q. Was not Mr. Bush the attorney of record? A. Mr. Bush was in the case, and he may have been the attorney of record; I know Mr. Cockran argued the case.

Q. Is not the fact that Mr. Cockran's entire connection with that matter was to try the question of fact before the jury? A. No; that is not so.

Q. You were present during the trial of that question of fact? A. I testified; I was a witness in the case.

Q. And Mr. Cockran conducted that in behalf of Mr. Bush, didn't he? A. Possibly, so; he was associated as counsel; I do not know whether he was attorney of record or not.

Senator McNaughton.—Can't a copy of that mandamus be furnished?

Mr. Leventritt.—Certainly.

Senator Fassett.—I do not see how, under that law, any court could issue such a mandamus.

Q. Was the writ of mandamus filed among the records of the excise board? A. I suppose it is.

Q. It was served upon you personally, was it not, after it was issued? A. Yes, sir.

Q. You were president of the board? A. No, sir; Mr. Woodman was the president of the board; I think we were served separately; it occurs to me now to correct my testimony; the first order in this matter was made by Judge Bookstaver, and I think the final writ was issued by Judge Van Hoesen.

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Q. From whom did you hear that there was a $10,000 fee going around in that case; it is material whom you heard it from; the committee wants to know? A. Well, I was told; I recollect one gentleman who told me.

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By Senator McNaughton:

Q. Didn't he say who it was? A. No, sir.

By Mr. Ivins:

Q. Did he not tell you the name of the lawyer? A. No; I did not ask him.

By Mr. Leventritt:

Q. Now, were any of the inspectors removed during your term of office for inefficiency? A. I do not think so; I am not sure.

Q. Were any complaints made against any of them? A. There were several complaints made.

Q. Were there hearings had upon those complaints? A. I recollect there was one resignation of an inspector.

Q. Voluntary resignation, or by request? A. Voluntary; I do not think we ever requested anybody's resignation; I have no recollection of our ever requesting any man in the office to resign.

Q. Were there any trials of any complaints? A. Yes, sir; there were several hearings.

Q. And you concluded that the complaints were not well founded and you dismissed the complaints? A. Yes, sir; were compelled to on the testimony given.

By Senator MCNAUGHTON:

Q. Will you formulate those changes that you had in mind when you made that report, and hand them to the chairman? A. Yes, sir; I will do that, Senator, with pleasure

JAMES F. GRAHAM, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Where do you live? A. I live in Brooklyn.

Q. What is your business? A. Newspaper man.

Q. What newspaper are you on? A. *The World.*

Q. What is your position on *The World?* A. City editor.

Q. As city editor, did you instruct the reporters, of any of them, of *The World*, to visit the liquor stores in New York city on the thirteenth of April, Sunday the thirteenth of April? A. I am not quite sure of the date.

Q. Do you identify that as two cuttings from the New York *World* for Monday the fourteenth of April? [Counsel presents paper to the witness.] A. I do not know that I instructed them, but I know they were instructed.

Q. You know they were instructed, and you know that they did visit the different liquor places in New York city, or alleged that they did? A. They said so.

Q. Now, will you give us the names of those reporters? A. I could not remember them now.

Q. Will you get them for us? A. As many as I can.

Mr. IVINS.—I called the attention of the committee to the fact that after some large headlines, this statement is made at the beginning of the article: "Nearly 550 saloons were found doing business yesterday by *The World* reporters. Only eighty-two arrests for

violations of the excise law were made by the police." I should like to prove by the men who reported these matters that that was the state of affairs that they discovered on one Sunday in New York city, showing the uniformity with which the law is violated.

By Senator FASSETT:

Q. Mr. Graham, how many men were detailed? A. I do not know.

Q. Do you have charge of the detailing of them? A. I gave orders about it; I did not see any of them.

Q. You did not see any of the men? A. No, sir.

Q. What were your orders? A. Just to go out and see whether the saloons were open.

Q. Is there any one in the office who can give us the names of those reporters? A. Well, I can give them as well as anybody else, if I can find the record of the date.

Q. I suppose so; you must have the record of the detail and the record of the report? A. That is all.

Q. Were the boys paid by space; I do not know as I care to inquire into your business matters, but would not your business office have the record? A. No, sir; I am the only person who would have the record.

Q. I wish you would supply us with it? A. I will if I can; I do not know as I can, it is so long since.

Q. Do you destroy them? A. We just put the names of the men down where there is a detail.

Senator FASSETT.—I wish you would do the best you can to let us have them by to-morrow.

The WITNESS.—I will hunt it up as well as I can.

By Mr. LEVENTRITT:

Q. Were you acting as city editor on that Sunday? A. No, sir.

Q. Who was? A. I assign different men for that, and I do not remember.

By Mr. IVINS:

Q. You made the assignment, however? A. I ordered the assignments.

Q. You ordered them for this work? A. Yes, sir.

D. J. WHITNEY, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Whitney, where do you live? A. Fifty-eight East Fifty-third street.

Q. What is your business? A. Commission merchant.

Q. Have you any connection here with any society for the suppression of vice? A. Of crime, sir.

Q. Of crime? A. Yes, sir; not vice.

Q. What is that society? A. The New York Society for the Prevention of Crime, of which I am the chief executive officer, and also the chairman of the committee for the enforcement of law.

Q. How long have you been the chief executive officer of that society? A. Twelve or fourteen years.

Q. You have a force of men in your employ for the purpose of assisting in this work of suppressing crime? A. Yes, sir; for the last number of years, more or less.

Q. What sort of crime, if any in particular, fall within the scope of your work? A. Well, the looking after excise, violations of excise law, looking after gambling, pool, and we did, a number of years ago, houses of ill-fame, but we dropped that as we did not care to get mixed up in it, or in other public nuisances of that kind.

Q. You confine yourselves now more particularly to gambling and violations of the excise law? A. Yes, sir.

Q. What do you do in regard to violations of the excise law? A. Do you mean our mode?

Q. Your mode of procedure generally? A. We generally adopt two modes, one in getting the evidence very strongly, and then making complaints before the board of excise, and also before the police justices, and have the parties arrested and held for trial, and also filing complaints with the board of excise for trial.

Q. What good, if any, have you accomplished in these excise cases? A. Well, that is a pretty broad question.

Q. I know it? A. I will say this, that in a great many instances, where we have, by repeated hard knocks and fighting, been able to have licenses revoked, before the pen and ink was dry on the paper; new men, in the same place, have been licensed by the excise board.

Q. To carry on the same business; is it not the fact that fight as hard as you have been able to, you have found your work almost completely nullified either by the action of the board of excise, by the inaction of the board of police, or by the failure of the district attorney's office to get convictions? A. Generally, I should say yes to all those questions.

By Senator FASSETT:

Q. That is, you find difficulties in the way of accomplishing reform? A. I find obstacles, sir, of the worst kind.

Q. In each of three, the commissioners of excise, the police and the district attorney's office? A. Yes, sir.

By Mr. Ivins:

Q. Do you know of any particularly bad places in New York city, against which you have complained, where the license has been revoked, but for which place, nevertheless, new licenses have been granted to new parties to occupy the same premises almost immediately? A. Yes, sir.

Q. Give us some of the worst places? A. I did not bring my books with me, but I will try; we had a case, not a great while ago on Sixth avenue, near Fifty-seventh or Fifty-eighth street, a place kept by a man named Dunn; it was reported to us that there was gambling going on there for a long time; we found violations there and after a great deal of trouble, we had them tried; the excise board, that is the board of 1889 — this present board we have had nothing to do with — immediately after the license was revoked, I think the ink was not dry before there was a new license given.

Q. Who gave that license? A. Mr. Van Glahn was the one, I think, that recommended it and it was given by the commissioners; you will find, gentlemen, in a great many of the licenses that have been given by the old board that Mr. Woodman has refused to sign them, knowing the character of the places; that is a fact that can be proved by the licenses themselves and by the records.

Q. The other two commissioners signing? A. Yes, sir.

Q. You said you had no business with the present board, because you had no confidence in them? A. Yes, sir.

Q. What did you mean by that? A. I mean by that, if public reports are true in regard to the deal that was made in the first place before they went into office, and their mode of doing business, we didn't think it would do any good to take any cases before them at all.

Q. What public reports in regard to a deal do you refer to? A. I refer to the public reports published in the papers some time ago in regard to a deal that was made, how true I know nothing about; I only give the report as published at the time, that these men, for certain considerations, were to be appointed for that purpose; there was a petition signed by two or three thousand people, asking Mr. Woodman to be appointed again. Mr. Van Glahn had a large showing also, and Mr. Andrews, I don't know whether he had or not; but I will simply say that those two gentlemen, I know, with all their long petitions, they were of no avail whatever, but it was publicly published that this deal was made beforehand by the politicians.

Q. Do you know of any other places than that of Dunn's you speak of? A. Yes; one kept by Hilton, Sixth avenue between Fifty-first and Fifty-second street; that is a place we worked very hard over; there was a gambling place there, so represented, and we had men there that had seen it going on; we drove them from one part of the building to another, and finally we got the men for violation of the excise law on Sabbath, and, after repeated trials, we had the license revoked, and the license was given immediately to somebody else; I thing a barkeeper or something of the kind.

Q. Do you know of any other cases? A. Well, Mr. Morris, our counsel, could give them to you, sir; better than I could, because they were placed in his hands.

Q. What is his address; in the Bennett building? A. Yes, sir; these cases I merely had the supervision of and I gave them to him for trial and he can give you the whole thing; here is a license where we had six sittings before the license was revoked [referring to paper]; that was August Bankman, 951 Sixth avenue.

By Senator FASSETT:

Q. What was the trouble with him? A. I don't know; I suppose selling liquor on Sunday; the idea seems to be — they are all Sunday selling.

By Mr. IVINS:

Q. How many cases are there? A. Well, there is another license revoked [referring to paper]; there is a writ of prohibition; here are five or six sittings; here is a writ of prohibition again [referring to papers]; and we have a number here if you would like to look at them; then we have a lot of other cases filed before the board that were never tried.

Q. Never tried? A. No, sir.

Q. Any reasons given for their not being tried? A. Well, Mr. Morris could tell you more about it than I could; I used to send him up there twice a week, keep him trotting up there to have these cases tried, and there was some reason the board gave; I don't know what.

Q. Did you ever make any investigation of the notorious places, the dives? A. I have, yes — not recently; what is the use of making them when the police allow them to run openly; here is a complaint comes to me only Saturday of a place where the boys of the telegraph company as quick as they get their money go there and spend it in gambling and drinking beer.

Q. Where is that place? A. Fifty-two Broad street and 50 Broad

street; this was given me on May twenty-third; I have complaints coming to me all the time.

By Senator Fassett:

Q. Who made the complaint; was that an anonymous complaint? A. No, sir; I don't know as I care to give it to you publicly; it comes from a party quite high in the city; I could give it to the committee or the counsel.

By Mr. Ivins:

Q. That would answer better than giving it publicly at this time; I will get the name from you? A. Yes, sir.

By Senator Fassett:

Q. Is not that one of the great difficulties that the parties who inform are unwilling to be known? A. A great many; I pay no attention to that; if it is a serious case I would put a man to ferret it right out; the trouble is we can not get the cases tried, and also tried or not tried the police won't shut them up; they wink their eyes and put their hands back of them like this.

By Mr. Ivins:

Q. Were you present at the trial before Judge Gildersleeve, where there was a decision that gamblers were common carriers under the contract that they had made? A. No, sir.

By Senator Fassett:

Q. What trouble had you had with the police department? A. Well, the non-enforcement of the law.

Q. After complaint made by you in special cases? A. Yes, sir; and there is a want of zeal on their part.

Q. There did not seem to be much enthusiasm? A. Not a particle, sir; not a particle.

Q. Won't your books show us and give this committee specific illustrations? A. I will give you the books to look at if you would like them.

Mr. Ivins.—We can subpœna Mr. Morris and get him in that way.

By Senator Fassett:

Q. Is he conversant with the books; would he be able to explain the books? A. No, sir; no one can explain the books but myself; he can tell you of the cases before the board of excise and the obstacles we had in getting them tried.

Senator FASSETT.— I think perhaps, Mr. Ivins, it would be well to ask this witness to bring those books so that he can give the specific cases and special complaints in regard to the police department and district attorney's.

Mr. IVINS.— Is it not better at the expense of the committee, to ask him to make a transcript, giving the name of the case, the date, the disposition of the case, so that we can verify it in the last few years?

By Senator FASSETT:

Q. How long would that take? A. I have not time to do that.

Mr. IVINS.—But you can put a man on the work.

Senator FASSETT.— We will furnish you with an expert.

The WITNESS.— It would take two or three days.

Senator FASSETT.—I think we had better take that course. There is no objection to the committee's having perfect freedom of access to all your books?

The WITNESS.— With the greatest pleasure. I should be glad to do it, if we can stop this infamous business here in this city.

By Mr. LEVENTRITT:

Q. As I understand you, you have never presented a complaint to the board of excise? A. No, sir; don't propose to either.

Q. Now, do you know of any place licensed by the board of excise for which a license was refused by the preceding board? A. No, sir; I don't. I know that there are a large number of places in the Bowery, disreputable places, which are selling, and I suppose under a license either from the police or board of excise.

By Senator FASSETT:

Q. The police can not license? A. They license by allowing the places to run at all hours of day and night and not interfere with them; I call that giving license by the police.

Q. That is a good substantial, practical license? A. Yes, sir.

By Mr. LEVENTRITT:

Q. Revocable, however, is it not? A. I suppose it might be.

Q. Do you make this statement from observation or reports? A. From observation; when Walling was superintendent of police, a great many complaints were made against a place on the Bowery near the elevated railroad station; he would not believe the facts I told him; I asked him to go himself and make the investigation; he did, and they picked him up for a countryman and they had a good deal of fun with him and he had with them, and when he got out he

was satisfied what the place was; I had seen men there myself; I had been there myself and seen it, knew it to be a disreputable place; the police did not want to know, but Mr. Walling, after a good deal of coaxing, agreed to go there and see it, and, as I say, they picked him up for an old farmer and there was a good deal of fun on both sides.

By Senator FASSETT:

Q. After that was it closed up? A. It was closed up at the time; I believe it has been running ever since.

Q. One farmer's escapades will only close a place for a short time? A. That is just it; last season, in our investigation of the pool-rooms, I had forty or fifty firemen, the number that were taken in these pool places; we have also investigations of the non-enforcement of the excise law in the second and fourth precincts, where we have numbers of police in there, drinking and loitering on the Sabbath day.

Q. After you made complaints? A. No, sir; I made no complaints to the board of police.

Q. When did you cease that practice? A. Well, at the time that I had a trial of the two captains, along last August.

Q. What captains were they? A. McLaughlin and Captain Carpenter, for keeping and maintaining gambling houses in their precinct, or not knowing they were where.

Q. The board did not act in those cases? A. Yes, sir; it was a tie.

Q. They did not act? A. No, sir; two wanted to act and two did not want to act; two wanted to and two daresn't.

Q. Those cases are virtually hung up and are hanging to-day? A. They are hanging to-day and probably will unless you gentlemen unhang them.

Q. The captains are in their precincts? A. Yes, sir.

By Mr. IVINS:

Q. And there are a number of gambling houses, because of the running of which you complained, which are still running in those precincts? A. They were running till a short time ago.

Q. They were running until they were pulled on the application of Mr. Wehling of the Reform Club? A. The complaints have come to me right along; the fourth precinct is full of them; Mr. Comstock can also tell you.

Q. That is on the police department, and that will have to be taken up later when we take up the investigation of the police department. A. I would like to know why they are licensing these places right under the gambling houses; take the place Thirty-first and Sixth avenue, 15 Ann street, where there is a gambling house and a liquor saloon running underneath; I would like to know what right they have.

By Senator FASSETT:

Q. The excise commissioners say they have not any information? A. If they get such kind of tools for inspectors as they do, they never will get it.

Q. These inspectors pass civil service examinations? A. Do they? Well, I pity the men who examine them.

Q. It is non-competitive? A. Yes.

Q. Is there any connection in any street between the liquor saloon and gambling place? A. I could not tell you; most generally there is a little dumb waiter running up from behind the bar upstairs; I knew places we have destroyed that have had communication between the two; there are altogether too many places licensed in this city of that character by the excise board.

By Senator MCNAUGHTON:

Q. You referred to police officers holding their hands behind them, as if to receive a bribe; can you give us any specific instance of the kind? A. Where they actually received it?

Q. Yes. A. No, sir; I could not do that; I wish I could.

Q. Don't you know it is valuable to the committee to have some specific instance of the kind? A. If you can catch a policeman taking a bribe, you will have to be older than you are.

Q. All that may be, but that does not help the committee very much? A. I know.

Q. You make a broad charge against the policemen, that they do that? A. I do, sir.

Q. On what ground do you make that charge? A. On the ground that I have had complaints come to me directly from the gamblers themselves, that they had to pay the police for protection, as in the case of 90 John street, where I fought that place for six months; after the thing had been broken up, one of the original men came to me and told me that they had to pay so much a week for protection.

By Senator FASSETT:

Q. How much? A. I think it was twenty-five dollars a week for protection, to the ward detective, and I guess I can find that out for you; whether he will testify to that or not, I don't know.

By Senator MCNAUGHTON:

Q. Can you give me his name? A. I could by looking at my books, but I have not brought them before the public for trial, because we have every obstacle thrown in our way when we try to do so.

Q. You see the importance to this committee? A. I see the importance to the committee, but this committee have not sat here a great while.

By Senator FASSETT:

Q. It is important to the committee to get at specific facts, because we have been accused, for instance, of dealing in fog and mist? A. Well, you ask me general questions; I have tried to give it to you; but you will find there are a great many parties, who, if they will talk, will tell you that they have done this thing; I know the evil goes on. [Mr. Oliver here made a statement, in reply to which the witness said: "I guess Mr. Oliver would make a good witness;" Mr. Oliver; I do not think Mr. Oliver or anybody else would be allowed to make those broad statements Mr. Whitney has made unless he was compelled to prove them; it is not fair to the men he animadverts against.]

Q. You have given us one case where the man told you he paid twenty-five dollars a week? A. Yes, sir.

Q. And you can furnish us the name of the informer? A. Yes, sir.

Q. And can you give me the name of the ward detective? A. I would prefer to let the man who gave the information.

Q. You can do it if necessary? A. I could from information from him.

Q. We will find you a good witness when we come to investigate the police department; are there any other instances you can give us in regard to this putting their hands behind them? A. Well, I could not just at this moment give you any particular instances, but they have come to me repeatedly.

Q. You keep a record of them do you? A. I did at one time, but they came so fast I paid no attention to it.

By Senator MCNAUGHTON:

Q. You see the importance of it to the committee? A. I do now, but I have not seen the importance of it before.

Q. You inculpate the good and bad alike? A. I have something else to do besides making these records.

Q. Yes; the great trouble with all the citizens of New York is they desire to have the committee make an investigation on mere statements? A. I suppose they ask you to come here and rectify abuses in different departments, by new legislative action.

Mr. OLIVER.— Mr. Chairman, with the permission of the committee, I would like to ask Mr. Whitney a question, and especially for the information of Senator McNaughton.

Q. You went back as far as the time when Walling was superintendent? A. I did.

Q. Is it not a fact that one of your subordinates had over a hundred indictments or complaints made, commencing at Delmonico's and Theodore Stewart's and that class of men, for violation of the excise law? A. I could not tell you.

Q. Do you recollect also that he proved to be a perjurer? A. No, sir.

Q. And afterwards proven to be a thief? A. No, sir.

Q. Who had served in state prison twice? A. Who was it?

Q. Well, you recollect? A. You make the allegation; who was it?

Q. I don't recollect his name; any allegations I make, I will substantiate, because they will always be true; I will get the records where pretty near 100 complaints were dismissed, because the gentleman Doctor Crosby went bail for was afterwards surrendered and was proven guilty by his own admission. A. Will you give his name?

Q. I will give it; you have got it on the books? A. No, I have not; let me have the man's name.

Senator FASSETT.— The mere fact that a man had served time would not incapacitate him from any service whatever, would it?

Mr. OLIVER.— Not at all; my full sympathy is with the man who recovers himself.

The WITNESS.— Then what are you trying to fire that at me for?

Mr. OLIVER.— You know I am not firing at you; I only wanted to show Senator McNaughton that some of the agents who gave you information, sometimes the channels are unworthy and untruthful.

The WITNESS.—Well, you take the police department and any large department, and you will find it ten times more corrupt than the agents in the Society for the Prevention of Crime have been; and you will always find black sheep, sir — among lawyers, too.

Mr. OLIVER.— I have no doubt of that.

Senator FASSETT.— This is getting to be an essay on the failings of human nature; I do not know as we care for that.

By Senator MCNAUGHTON:

Q. My point was this: That you ought not to make those wholesale allegations against any department, without you come here prepared to substantiate them by giving names and the facts of the case? A. I came here subpœnaed to testify against the excise department; I have done so to the best of my ability; the statement in regard to the police department was a side question which I was not prepared to substantiate; it was simply on general knowledge which I have had.

By Senator FASSETT:

Q. Mr. Whitney, before you leave the stand, let me ask you: You have been how long engaged in this business; sixteen years? A. No, sir; about fourteen.

Q. The statements you have made were based on your experience as an executive officer during that time? A. Yes, sir.

Q. Have you any records by which or from which you can substantiate, to your satisfaction, at least, every one of the charges you have here made? A. I think I can, sir.

Q. And are you ready to exhibit your books to this committee? A. I am.

Q. And you will furnish those books to us? A. With pleasure.

Q. And your own assistance at any time? A. With pleasure, sir.

By Mr. LEVENTRITT:

Q. In view of the fact that you have had no business relations or other relations with the present board of excise, do you feel justified in condemning them to the extent of the language you have just used? A. I think so, sir; I think the places that have been licensed by them and being under indictment at the present time —

Q. You condemn them because they are indicted? A. I don't think they would be each placed under three indictments unless there was good cause for it.

Q. And the mere fact that they were indicted induces you to believe that they are guilty? A. Oh, no; not at all; probable cause.

Q. Your bias against them is caused by reason of the fact that they are under indictment? A. I have no bias against them; I don't know them.

Q. Without knowing them and without having any business relations of any kind with them, you still feel justified, publicly and under oath, in condemning that department as it now exists; do you feel justified; say yes or no? A. I do not know as you can force me to answer it the way you want.

Q. I merely want to know if you feel justified, ignorant as you say you are of the men composing the present board of excise, and in view of the fact that you have had no transactions of any kind with the board, I want to know whether you feel justified, under oath, publicly, in condemning that board? A. I think that board, sir, could be made up of very different material for the enforcement of law in New York city.

Q. Then you are condemning the individual members of the board? A. What is your version?

Q. I am asking you? A. Have I said I condemned them; you are trying to make me condemn them.

By Senator FASSETT:

Q. No, Mr. Whitney; we understood you to testify that you had not brought any complaints before this board of excise because you had not any confidence in them? A. I say that.

Q. Do you wish to be understood as solemnly swearing to that as your attitude of mind towards the board? A. It is a feeling I have of want of confidence to bring any cases before them with the present surroundings and environments.

Q. And to that extent you do condemn them? A. Not necessarily; that is an opinion of my own; you asked me for an opinion; you have got it.

By Mr. LEVENTRITT:

Q. You have intimated very strongly about bribes having been accepted by the police board? A. Yes, sir

Q. I understood you that you have no personal knowledge of any acceptance of bribes? A. I have it, sir, from actual knowledge, given to me by parties that have paid them.

Q. That is, you accept the unsworn statement of other parties as a basis upon which you will make a sworn statement, declaring the police force susceptible to bribery? A. Are you counsel, sir, for the police department or the board of excise?

By Senator FASSETT:

Q. Mr. Leventritt is here, and I think it is proper for you to answer that question; you never bribed a policeman? A. No sir.

Q. And you never saw any one offer a bribe to a policeman? A. No.

Q. Your knowledge of bribery comes from sources of information on which you put reliance? A. Yes, sir.

Q. So then you made your sworn statement upon unsworn evidence; have you not? A. I make my statement upon information and belief which is given to me.

Q. That is all right; there is no harm in answering yes or no when you can? A. Well, I do not propose to be pinned up by any counsel.

Senator FASSETT.— No, we do not propose to pin you to anything.

Mr. IVINS.— I understand Mr. Whitney does not swear the police have been bribed, but he swears he has been informed by what he considers reliable authority.

The WITNESS.— Yes, sir, and I personally believe it.

By Senator FASSETT:

Q. You have no power to administer oaths? A. No, sir.

Q. And if you were to administer oaths to your informants, and then have them make statements, would it add to your credibility in their statements? A. I do not think the oath would have anything to do with it; the party making the statement would tell the truth.

By Mr. LEVENTRITT:

Q. You have also spoken of a deal or deals that have been entered into by the present board of excise? A. It was a published report I have read in the papers.

Q. And it is upon that that you rely, informing your judgment? A. A public statement that has not been answered or refuted.

Q. It is simply because that statement has been unrefuted that you hesitate to make any complaint before them? A. Yes, sir.

By Mr. IVINS:

Q. Did you follow that course in regard to the election day cases? A. Not particularly; I have not looked into it particularly; I just glanced at it casually.

Q. You know those election day cases were pending for thirty or forty days before anything was done? A. Yes, sir; I know that, because the counsel of the board came and saw me sometime ago about them.

Q. You know that the complaints in those cases might just as well not have been made? A. I think, at the present time, it was wise for them to make them, even with all the delays, for it was followed by indictment.

Senator FASSETT.— Mr. Whitney, if you can get these specific cases from your books, in shape to present to the committee before Tuesday afternoon at half-past 4, we shall be very much obliged.

Mr. IVINS.— I will find an accountant to go there and make an abstract of the books.

By Senator FASSETT:

Q. I think your evidence makes it absolutely essential that the committee should go into those matters in detail.

Senator MCNAUGHTON.— And that the charges should be more specific, and not general charges.

The WITNESS.— We will try and give you, sir, convicting charges.

Senator FASSETT.— Mr. Whitney, you understand we are not so much engaged in the development of new cases; we want to know where

the law-making and law-enforcing powers have failed to work; so, only those cases in which you have made complaint to some department and have failed to get what you considered justice, we want before the committee.

The WITNESS.—Well, any case of the excise and police department.

Senator FASSETT.—Except any cases of bribery; that is another thing.

The WITNESS.—Well, those two departments are the two I should deal with.

ANTHONY COMSTOCK, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Comstock, where do you live? A. My office is in the Times building; my residence at present is at Summit, New Jersey.

Q. What is your business? A. I am secretary and chief special agent of the New York Society for the Suppression of Vice; I also hold a position as post-office inspector.

Q. What is that society you refer to? A. It is a society incorporated by act of the Legislature for the enforcement of the laws for the suppression of obscene matter, articles and traffics of immoral use.

Q. Do the agents of the society have power to make arrests? A. We have not, sir; Mayor Grant refused to appoint any persons connected with any reformatory society as deputy; my commission was made out by ex-Judge Monell, and Mr. Monell informed me that the mayor had decided not to appoint any agent of any society, and the commission was returned to me.

By Senator FASSETT:

Q. Not to appoint in what capacity? A. Under the act of the Legislature, the agents of the society, when appointed by the sheriff of any county, are authorized to arrest and bring before any court of justice, any persons found offending against certain laws, or to exercise the power of a peace officer, and we usually have to apply to sheriffs for that appointment; in the case of Sheriff Grant, a commission, as I say, was made out and I was notified by the counsel to appear; I was afterwards notified that the sheriff would not appoint any agent of any reformatory association.

Q. Do you mean Sheriff Grant or Sheriff Flack? A. Sheriff Flack; I beg your pardon; Sheriff Grant refused also to appoint; I don't know why.

Q. Sheriff Grant refused to appoint? A. Yes, sir.

Q. Sheriff Flack refused to appoint? A. Yes, sir.

Q. Have you made any application to Sheriff Sickles? A. I have not, sir; Sheriff Grant and Sheriff Flack both refused a commission.

Q. It was not Mayor Grant as mayor? A. I did not mean to be understood as saying "mayor," I meant "sheriff," I thought I used the word "sheriff," I intended to; if I used the word "mayor," I wish to correct it and substitute "sheriff;" it was the sheriff I had reference to.

Q. For how many years had you been so commissioned by sheriffs, up to the time of the refusal of the mayor, Grant? A. I think from 1873; we have not pressed the matter because it has not been a matter of vital importance, and so we get along very well without it.

Q. Sheriff Davidson preceded Sheriff Grant? A. Yes, sir.

Q. And did he refuse also? A. No, sir; I think I held a position at one time; part of the time; he withdrew it because I arrested an attache of his office.

Q. That was Sheriff Davidson? A. Yes, sir; I think it was Sheriff Davidson.

Q. How do you do now; do you make arrests, or do you ask the police to make arrests for you? A. I secure the evidence and then apply to the police for assistance.

Q. Do you, in the conduct of the business of your society, generally make inquiries in regard to gambling houses where boys are debauched? A. Yes, sir; I should state that we give especial attention to obscene matter, abortions, those that sell articles for abortion or to prevent conception, gambling and lotteries; and then as post-office inspector I have the violations of the postal laws, the transmission of non-mailable matter, either as green-goods men, fraudulent schemes of all kinds, lottery schemes and obscene matter through the mail.

Q. Do you keep an eye on places in town familiarly known as "dives," and frequented by girls and young boys? A. No, sir; our society has never had anything to do with houses of ill-fame or dives; if we find children, in frequenting those places, we refer that to the Society for the Prevention of Cruelty to Children.

Q. That is, Mr. Gerry's? A. Yes, sir; if we find violations of the excise law, those are referred to the society of which Dr. Crosby is president and Mr. Whitney is acting as superintendent.

Q. Have you ever made any particular study of the manner in which the excise laws in this city were administered? A. No, sir; I have not; I have never given any especial attention to that at all; I have my time fully occupied.

Q. Would you be willing to place at the service of this committee your books or transcripts from your books which will enable this committee to prosecute an inquiry into the general administration of law concerning crime and the prevention of crime in the city? A. Not only that, but I should be most happy to invite you and the committee to personally visit the office of the society and make personal investigation of every book and record from the inception of our society to the present moment.

Q. How many officers have you, your own assistants? A. I have at the present time one.

Q. What particular branch of your work are you now pursuing to the exclusion of the rest, the hunting out of mail matter or obscene literature? A. We give always obscene matter, or that which corrupts the morals of the youth precedence; we have had our attention directed largely because of the increase of ruin to young men and to employes during the past few years there has been a very sad increase, so far as my experience goes, of ruin among the young men and of obscenity.

Q. Your own experience has not led you, then, into a study or an inspection of the manner in which the excise laws are enforced? A. No, sir.

Senator FASSETT.—Then I think you had better reserve Mr. Comstock until later on.

Mr. IVINS.—We will reserve Mr. Comstock until we get to the police department, because it bears more upon that than upon this inquiry.

The committee at this point adjourned until to-morrow morning, May 27, 1890.

NEW YORK, TUESDAY MORNING, *May* 27, 1890.

Present.—Senators Fassett, Birkett and Ahearn.

Mr. COCKRAN.—If the committee please, some allusion was made yesterday to the case of Kruse who gained a license upon the corner of Twenty-first street and University place, in which I appeared as counsel; the allusion that was made in the press and the interpretation that was given to the testimony was that the sum of $10,000 had been paid to somebody to obtain this license, in some method that would not bear examination; now, I desire to state that, in the first place, I was not attorney in that case but was called into it as counsel; that the application was made by Mr. Bush as attorney; the contest lasted over a year; it went through all the courts of the State from the Common Pleas, Special Term and General Term, up to the Court

of Appeals; every order that was entered was litigated and appealed from; a trial by jury was had and the jury found a verdict for the appellant, and when the mandamus was issued, it was issued by Judge Van Hoesen, not by Judge Bookstaver.

Senator FASSETT.— The testimony was corrected by the witness.

Mr. COCKRAN.— While I do not think it is perhaps proper to state the amount of my fees, I may have mentioned to the committee and I mentioned to Mr. Boardman that I am perfectly willing to answer any question on that head that any lawyer would think it proper to ask; my fee was not 10,000 or half of it nor one-third of it; I think I can state that much to the public.

Senator FASSETT.— I for one did not get the idea that you were the fortunate recipient.

Mr. COCKRAN.— I felt somewhat lonesome myself when I looked at my finances and felt the absence of it; the intimation, however, was given to some of the newspapers.

Senator FASSETT.— You know we have your standard fixed here as a lunch or two.

Mr. COCKRAN.— That is only exceptional cases; I would say as for lunches, I prize above money one which I enjoyed at the expense of the chairman.

Mr. LEVENTRITT.— I have now here the record complete of the case of Kruse against the board of excise; I suppose we might as well put in the entire record.

Senator FASSETT.— I do not think we want to cumber up the exhibits of the committee with that; does it appear from this record that the mandamus was to compel the issuance of a license?

Mr. LEVENTRITT.— It does; the board of excise was directed forthwith to issue that license.

Senator FASSETT.— There is undoubtedly a great deal of immaterial and irrelevant matter in that record.

Mr. LEVENTRITT.— Probably there is; it resulted in the fact that this order was appealed and the appeal affirmed at the General Term; that will appear from the record.

Senator FASSETT.—Very well; those facts may appear on the record.

CHARLES ANTHES, being duly sworn, testified as follows:

By Mr. BOARDMAN:

Q. Where do you reside? A. Three hundred and seventy-nine Fourth avenue.

Q. How long have you been an excise inspector? A. I think my appointment took effect August 15, 1889.

Q. So that you have been an inspector less than a year? A. Yes, sir.

Q. What business were you in before you became an inspector? A. I was a bookkeeper.

Q. For whom? A. Collins & Company.

Q. Through whose instrumentality did you become an inspector? A. I think the district committee of the Eleventh Assembly district; Tammany Hall Assembly district.

Q. Are you a member of that committee? A. Yes, sir; the Eleventh Assembly district of the Tammany Hall committee.

Q. Did you pass a civil service examination? A. Yes, sir.

Q. Did you inspect at any time the premises of Joseph F. Reddington at 1391 Broadway for a license? A. Yes, sir; I am not sure whether it was Joseph F. Reddington; it was Mr. Reddington; I don't recollect the initials.

Q. Do you recollect the date when such inspection was made? A. I do not remember the date, sir; but I think the application or the inspector's report, or, at least, my report will state when.

Q. Well, it was quite recently was it not; my statement is that your report is dated March 6, 1890? A. Well, I think it was; yes, sir.

Q. Is this your report on the Reddington place? [Counsel presents paper to witness.] A. Yes, sir.

Mr. BOARDMAN.— I will offer this report in evidence.

[Report referred to was marked Exhibit No. 1, of this date.]

By Mr. IVINS:

Q. Mr. Anthes, when you inspected Reddington's place, just describe how you went about it, what you did? A. Well, I went to the premises at first and did not find Mr. Reddington there; I went again and did not find him there, but was informed by the gentleman in charge that I would probably find him on the northeast corner of Forty-second street and Broadway and there did find Mr. Reddington.

Q. Then what occurred between Mr. Reddington and yourself? A. I asked him if he was the proprietor of the premises so-and-so; he said "yes" that he was.

Q. Did you ask him if he was a man of good moral character? A. Well, I thought that he was, Mr. Ivins.

Q. You thought so? A. From his appearance and manner in greeting me.

Q. Did you make any inquiries of any one as to his moral character? A. Well, yes.

Q. Whom? A. Well, the sergeant in charge of the precinct.

Q. Any one else? A. No, sir; I met a man I knew there by the name of Sharp, and he said he seemed to be very much of a gentleman;

no; not Sharp, that is not the gentleman's name, but a name similar; I have met him frequently, but I have really forgotten his name; I asked him if he knew Reddington, and he said "yes."

Q. Did you make any inquiry in the neighborhood as to his general reputation? A. I did not; no, sir.

Q. On what did you base your answer that his reputation was good? A. Well, because I thought he was a gentleman; he looked every bit like a gentleman.

By Senator Fassett:

Q. He looked like a gentleman? A. Yes, sir; very much so; as much as anyone in the room does here.

By Mr. Ivins:

Q. Is there a concert room in connection with that place? A. I do not think there is, sir; if there was, I think I would have reported it; I do not think there was anything connected with it but the bar-room.

Q. Did you make any inquiry as to his relations to Eugene Chabert, who used to have the place before? A. Yes, sir.

Q. What inquiry did you make in that regard? A. I asked him who this man Chabert was; he said he was a man employed by him; I think that was what he told me; I don't remember really the circumstance of what he told me, but I think that is what he said.

Q. Have you ever been to Reddington's place since? A. Yes, sir.

Q. Do you make a practice to visit the places on the applications for licenses, for which you, yourself, have passed after the license has been granted? A. Well, not particularly a practice; I make what they call a semi-annual inspection; I have made one during the month of December, and probably will make another in July or June, rather.

Q. That semi-annual inspection does not involve the inspection of the character of the parties, or the way they conduct their business at all, does it? A. Well, we usually go in and find out whether the same man is proprietor, and report accordingly.

Q. Do you know whether Reddington usually keeps open on Sundays? Q. That I do not know; no, sir.

Q. Or after hours? A. I don't know

Q. Or sells on Sunday? A. I don't know.

Q. You made an inspection of Hugh Johnson's place, at 1616 Sixth avenue? A. Yes, sir.

Q. On the second of April? A. I don't recollect the date, but it may have been that time.

Q. What inquiries did you make in regard to Johnson's character and general reputation? A. Well, I did not make any inquiries.

Q. You did not make any inquiries? A. No, sir; he seemed a gentleman, and he had been licensed there before, and I took it for granted that he was thoroughly reliable, and was entitled to a license.

Q. And you made that report "good" without any further inquiry? A. Yes, sir; because he had been licensed there before, and previous commissioners had acted upon his character, and I had a right to think it was good.

Q. Would you think you had been deceived in that, if you were now to discover that he was systematically violating the excise law? A. Well, I think I would; yes, sir.

Q. You think you would; well, the proofs exist that he has violated it on a number of occasions; in that case, assuming those proofs to exist, you were not in error when you reported him as of good character and general reputation? A. Well, I presume I was, but that was the case; he had been arrested once or twice for violating the excise law, but I didn't think that had any bearing on the case, because he had never been convicted; I hunted it up very closely.

Q. Did you find out whether he had been tried or not? A. That I do not know.

Q. You did not assume he could be convicted without being brought to trial? A. I presume not; that I don't know anything about.

Q. Did you take any steps to find out whether he had been acquitted? A. No, sir.

Q. An acquittal would be a justification of your position in that regard, would it not? A. Well, I should think it would.

Q. Do you think that the inaction on the part of the district attorney would be a justification of your position? A. I am not sufficiently versed in those matters to express an opinion at all; I don't really know much about that.

Q. Notwithstanding the fact that he had been arrested and notwithstanding the fact that you did not know whether he had been acquitted or not, you did not think that that made any difference as to his moral character and general reputation, from the point of view of the excise law? A. Well, I will tell you how I understood it; when I made an examination or inspection of his place, he had a license in his name and the former board had acted upon it; it seems as though the report had been good or they would not have acted upon it; I supposed that having been arrested once or twice did not necessarily signify that the man was a man of bad character by any means, because sometimes men are arrested for exposure of bars on Sundays

or late at night, and I didn't really think that there was anything about the man that was very bad.

Q. And you made no inquiries? A. No, sir.

Q. Well, on what did you predicate this negative thought that there was nothing very bad about him if you made no inquiries? A. Because I couldn't find anything in the board or in the papers of the board, such as the precinct book, and inquiring through the board.

Q. You did not make any other inquiry? A. No, sir.

Senator FASSETT.—Does the witness say he he did not ask any of the neighbors about the place.

The WITNESS.—No, sir; I didn't ask any of the neighbors.

Q. That would be the place to find out, would it not? A. Yes, sir.

By Mr. IVINS:

Q. What do you understand is meant by the phrase "general reputation?" A. Why, his reputation in general, people who know him.

Q. You, as an inspector, have put upon you the duty of discovering a man's general reputation, and as an inspector you answer that it is good or bad; what do you understand by "general reputation" and what do you understand are the sources from which to obtain evidence of general reputation? A. When I say that I did not inquire, I did really inquire of one man, or a gentleman spoke to me about him; that is, Mr. Isaac Summers said he was a gentleman, he thought.

Q. Who is Mr. Isaac Summers? A. I don't really know; he is known to me as Mr. Isaac Summers.

Q. What is his business? A. I think he is in the wholesale liquor business.

Q. Was this about the time you made the inspection? A. Yes, sir.

Q. Did you go to Mr. Summers and ask or did Mr. Summers come to you and tell? A. No; I met Mr. Summers accidentally.

Q. It was quite casual? A. Yes, sir.

Q. It was not done as a deliberate thing in the performance of your duty, but it was accidental that you found out about that man? A. Yes, sir.

Q. Does accident play a very large part in your work as an inspector? A. No, sir; not as a rule.

Q. What do you understand to be your relations to the board of excise? A. As an inspector?

A. Well, to do as I am commanded to do by the chief inspector.

Q. Has the chief inspector ever given you any interpretation of the term "general reputation?" A. Well, I do not know as he has.

Q. Has he ever given you any command as to the course to pursue for the purpose of discovering what the general reputation of an applicant is? A. I don't know as he has.

Q. Have you ever determined in your own mind what is the proper course to pursue to discover the general reputation of an applicant? A. Yes, sir.

Q. What is it? A. If he is a new party, I go around among the neighbors and find out whether he is a man of good character, a man who is well thought of by his neighbors, or his neighbors speak well of him.

Q. Would you think in a case of this kind where you had not done that you had been a little slipshod? A. I will tell you why I didn't, because of the renewal of the license, he had been qualified the year before and there was no information against him, and I thought he was entitled.

Q. Notwithstanding the fact that there were arrests and complaints? A. No complaints, as I know of.

Q. Well, arrests? A. Yes, sir.

Q. Arrests are accompanied by complaints, are they not; when a police officer arrests a man, he complains of him? A. Well, I don't know; I have never been arrested.

Q. Have you ever stopped to think how seriously any irregularity on your part would embarrass or compromise the board? A. Well, yes; I have stopped to think.

Q. You realize that? A. Yes, sir.

Q. Have you ever stopped to think or to realize how any lack of care on your part would make the task of the police difficult by requiring them to police and supervise men who ought not possibly to have been licensed? A. I don't understand the question.

By Mr. IVINS:

Q. Suppose that you had either willingly or unwillingly, through carelessness or purpose, reported favorably on a man who had been arrested several times and whose character really was not good, from the point of view of the excise laws, so that it became necessary for the police almost immediately after he got his license to arrest him; have you ever stopped to realize your own relation to the system and to the police system of the city, and how much the administration of the law depends upon the thoroughness and accuracy of your own work? A. I have always realized that; I have always realized my position as one of importance.

Q. Now, so realizing your position, how came you to justify in your own conscience the making of this report on Hugh Johnson, without

any investigation whatever? A. Well, there was some investigation, sir; I certainly went there and see Mr. Johnson and ask him the necessary questions.

Q. Do you consider it an investigation to go to a man, look him over, ask him some questions and then come away and sign a report of good moral character and general reputation; is that what the work "investigation" means? A. Well, I don't know but what it does.

By Senator Fassett:

Q. That was your practice anyway? A. No, sir; that was not my practice; it was not the case of a renewal of a license; he had a license for three or four or five years or more; I supposed he was of good moral character or he would not have received a license theretofore, as there had not been anything since about the man, I thought he was of a good character.

By Mr. Ivins:

Q. Tell us of one case, one you would like most to tell us about? A. The Fifth Avenue hotel.

Q. You made a most thorough investigation there? A. Not particularly, but I made an examination of a party who went there two or three times.

Q. Who is the new party? A. I don't recollect his name; a nephew of one of the proprietors.

Q. You made a thorough investigation in regard to his general reputation and moral character? A. No more than I inquired who he was; I would not accept the clerk or cashier's statement.

By Senator Fassett:

Q. Do you think that is a particularly bad place? A. Not particularly.

By Mr. Ivins:

Q. You were more thorough in the case of the Fifth avenue than 616 Sixth avenue? A. No, sir; only being a new party, I wanted to know.

Q. You would not grade or range them beginning at Sixth avenue and working down to the Fifth Avenue? A. No, sir.

Q. But you instanced the Fifth Avenue as the one that you exercised the most thoroughness in? A. No, sir; you wanted me to state one that was a new party.

By Senator FASSETT:

Q. Mr. Ivins asked you to state one you were most proud of and you instanced the Fifth Avenue hotel? A. No; I was answering the other question.

By Mr. IVINS:

Q. Well, answer this question? A. I do not recollect any that I know of that I ought to be extremely proud over?

Q. What was your business before you became an inspector? A. Bookkeeper.

Q. Did you feel that you had any particular calling for the performance of the office or the functions or the duties of the office of inspector? A. No, sir; I thought I was quite well qualified.

Q. Were you familiar with the town? A. Yes, sir; I know New York pretty well.

Q. Now, how much of your time is taken daily in the performance of your duties as inspector? A. Well, that would depend on how many papers I had to inspect upon.

Q. Well, what is the greatest number of papers that you have ever had at one time? A. Well, probably half a dozen; I don't recollect exactly how many.

Q. And what is the largest number of reports that you have ever made in one day? A. Well, I don't know, but I presume as many as that; five or six.

Q. And there are days in which you have not made any reports, are there not, because you have had no papers? A. Yes, sir.

Q. And there are days in which you have made only one or two reports? A. Yes, sir.

Q. So that none is the minimum and five or six is the maximum? A. Well, I presume that is it.

Q. Now, were you overworked at the time that you had to make five or six reports in one day? A. Well, I was kept very busy.

Q. You were kept very busy, but were you kept any more busy than the earning of your salary justified? A. Well, I don't know about that particularly; I don't really know.

Q. When did you begin to work on those very busy days? A. Just as soon as I left the office; as soon as I was permitted to go.

Q. What time was that? A. Sometimes at midday.

Q. What time do you go to the office? A. At 9.

Q. And you stop there until you are permitted to leave at midday? A. I may not be permitted at midday; sometimes not by 4 o'clock.

Q. Then you went about the work of inspector? A. Yes, sir.

Q. Did you report back to the office that day again? A. No, sir.

Q. You went about your business where and as you pleased? A. Yes, sir.

Q. And how late is the latest that you ever worked on one of those days? A. Eight or 9 o'clock.

Q. Now, how many of such days would there be in the course of a year? A. That I don't know.

Q. Would there be over eight or ten of them? A. I have not been there a year, sir.

Q. There would not be over eight or ten such days; there have not been over eight or ten such days? A. I don't really know.

Q. Do you know there has been more than ten such days? A. That I don't know.

Q. Well, have there been twenty-five such days? A. I don't really know whether there has or not; I think the reports will show.

Q. Then this hard work has not made much impression on your memory? A. Well, I have been able to do it.

Q. You have been able to bear up under it; now, in case you go to the office at 9 o'clock in the morning, and no papers are put in your hands, and you have no reports to make, and you do not make any reports, or let us assume that you make one report, what do you do after that office work has been done, if no more papers are put in your hands? A. Well, walk through the precinct occasionally.

Q. You walk through the precinct; are you a politician? A. No; not much of one.

Q. Do you belong to Tammany Hall? A. Yes, sir.

Q. Do you generally walk through the precinct about election times? A. Not particularly.

By Mr. LEVENTRITT:

Q. You spoke of the fact that Mr. Hugh Johnson had been arrested; did that arrest take place during the existence of the license that was about to expire when you visited his place or previous to that? A. Well, I really can not tell now; I don't recollect the circumstances sufficiently to know whether it was during that time or in the previous license.

Q. Then you can not tell us whether the excise board had passed upon the propriety of issuing a license subsequently to the date of his arrest? A. No, sir, I can not.

Q. You have spoken of your duties in connection with the inspection of places; do you also perform duties in the office? A. Yes, sir.

Q. Do you have clerical work there to do? A. Yes, sir.

Q. Of what character? A. Well, I have assisted in any way I could, in any way I have been asked to assist.

Q. And a portion of your time is devoted to that then? A. Yes, sir.

Q. And the remainder of the time? A. Yes, sir.

Q. And you were in the habit of spending the hours from 9 o'clock in the morning till 4 in the afternoon at the office? A. Yes, sir.

By Mr. IVINS:

Q. Is it the custom for inspectors to spend from 9 in the morning till 4 in the afternoon at the office? A. I think it is.

Q. Is it the rule of the office that all inspection shall be made after 4 o'clock? A. I don't know as it is.

Q. Is it not the rule of the office that the inspectors leave about 12 or 1 o'clock to go off on the actual work of inspection, spending the afternoon that way? A. I don't know whether it is the rule or not.

Q. Is it not the practice for the inspectors to go out in the afternoon and make inspections? A. Yes, sir; I presume it is, some of them.

Q. Do they have any rule in that regard? A. That I don't know; I have always stayed there myself.

Q. How much of your time have you spent in doing clerical work and the assistance of others? A. Very little.

Q. Very little? A. That is, other inspectors.

Q. No; the assistance of other clerks in the performance of clerical work in connection with the duties of an inspector? A. Well, I don't really know what you mean by that question.

Q. What did you mean when you answered the question Mr. Leventritt asked you? A. Assisting in the office.

Q. What do you mean by assisting in the office? A. Such as assisting the application clerks.

Q. And whom else? A. Assisting the treasurer, assisting the chief.

Q. The treasurer has an assistant, has he not? A. The treasurer has an assistant; yes, sir.

Q. Now, when you assisted the treasurer how did you assist him? A. Making out the licenses that were granted the day or the day previous.

Q. How frequently have you assisted the treasurer? A. Well, I don't really know.

Q. Two or three times? A. As many as that I think.

Q. Not many more though? A. I don't really know how many times.

Q. Is there any record kept in the office of the way in which your time has been distributed between one department or bureau and another? A. I don't really know, sir.

Q. Is there any book in the office which shows the allotments to the inspector of work in the office other than the work of inspection? A. That I don't know.

Q. Now, how many times have you assisted the application clerk? A. I don't know how many times; I know that I have assisted him.

Q. Have you assisted him with sufficient frequency to have had it result in a very distinct impression upon your mind? A. No, sir.

Q. No; have you assisted him more than three or four times? A. I don't know, sir.

Q. Now, whom else have you assisted? A. Well, I have always been around the office and assisted any one that was there that needed my assistance.

Q. We take your willingness for granted, we want to see how much it was called on; how frequently did they take advantage of your willingness to assist and give you a job? A. Well, I don't know how frequently they did.

Q. Was it with marked frequency? A. Well, I don't know but what it was; I was there the biggest portion of the time, the greatest portion of the time.

Q. Were you the greater portion of the time employed in assisting either the treasurer or the application clerk? A. Not particularly.

Q. What other clerks did you assist? A. Well, I don't know any particularly; I have assisted the chief inspector.

Q. Do you regard your position as a very wearing, burdensome and laborious position? A. Well, I should hope it was not.

Q. You should hope it was not? A. No.

Q. As a matter of fact, it is a pretty easy position is it not? A. Not very; not particularly easy.

Q. You do not complain that you are overworked in any way? A. I have not had any occasion to complain.

By Senator Fassett:

Q. Do you get papers in the afternoon to serve the next morning or that you serve the next morning? A. When we receive papers I think the alloted time is three days we are are allowed to serve in.

Q. You do not have to stay there in the afternoon to get papers? A. Well, yes; we may be there when special papers come in to serve; oh, yes, I have received papers in the afternoon.

By Senator Ahearn:

Q. To inspect the following day? A. To inspect immediately; that is, to report the next morning upon.

By Senator FASSETT:

Q. You have been about the office enthusiastically willing to serve? A. Not particularly.

Q. If they did not avail themselves of your willingness, that was not your fault? A. I don't think I was there enthusiastically willing at all; I was there and was willing to do anything imposed upon me to do; I was perfectly willing at any time.

ALEXANDER S. WILLIAMS, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Williams what is your business? A. Inspector of police.

Q. How long have you been inspector of police? A. Nearly three years.

Q. Will you tell the committee what your present duties as an inspector of police are, particularly so far as geographical limitations are concerned? A. I have charge of the first inspection district.

Q. And that consists of what? A. Bounded on the east by the East river; north by One Hundred and Tenth street, follow down the line of Fifth avenue to Fifty-ninth street; west to Sixth avenue to Forty-second street to Madison avenue, to Fortieth street to Fourth avenue, and down Fourth avenue to Fourteenth street, or rather down Fourth avenue, and Bowery to Bleecker street, through Bleecker to Broadway, and Broadway to the Battery.

By Senator FASSETT:

Q. A pretty good slice of the island? A. Yes, sir.

By Mr. IVINS:

Q. That is, from the police point of view, the most difficult inspection district in the city, is it not? A. It is a pretty lively place.

Q. Is it not generally regarded as including the most difficult and worst precincts in the city? A. It has got some of the worst element in it.

Q. What precincts does it include, and the captains of the precincts? A. First, McLaughlin; third, Eagans; fourth, Carpenter; sixth, John McCullagh; seventh, Garland; tenth, Meakin; eleventh, Cassidy; twelfth, Webb; fourteenth, John H. McCullagh; eighteenth, Clinchy; twenty-first, Ryan; twenty-third, Wartz; twenty-third, sub., McElwaine; twenty-fifth, Gunner; twenty-seventh, O'Connor.

Q. Can you describe generally how the other two inspection districts lie? A. The second inspection district is all opposite the first.

Q. Lies west of you and north up to the river? A. To One Hundred and Tenth street; the third inspection district is from One Hundred and Tenth street to the city limits.

By Senator Fassett:

Q. All north? A. Yes, sir.

Q. Including the Twenty-third and Twenty-fourth wards? A. Yes, sir.

Q. That is, geographically, the largest precinct? A. Yes, sir.

Q. Who is in charge of the second inspection district? A. Henry V. Steers.

Q. And of the third? A. Peter Conlan.

Q. Which is the most difficult precinct from the point of view of the enforcement of the liquor laws in your district? A. Well, that would be hard to say, Mr. Ivins.

Q. Well, there are some less difficult than others? A. Oh, yes.

Q. The Murray Hill precinct is not so difficult as those in the lower part? A. The Murray Hill has two sides to it, the respectable and the lower class.

Q. That side which lies east of Third avenue? A. Is pretty hard to control.

Q. Is pretty hard to control so far as the liquor traffic is concerned.

Senator Fassett.— If he does not like to single out one district, let him single out two or three.

The Witness.— The eleventh, the thirteenth, the fourth and tenth.

By Mr. Ivins:

Q. Who gives the instruction to the police officers as to the manner in which their duties concerning the enforcement of the excise laws is to be performed? A. The captain of the precinct.

Q. And from whom does the captain of the precinct get his instructions? A. From the law.

Q. From the law? A. The superintendent sometimes calls the captains together and instructs them as to the enforcement of the law.

Q. Does the police system, as administered in New York city, regard the captain as responsible for his men, and then directly responsible himself to the law as for the manner in which its subordinates perform their duties? A. Responsible to his superiors for the manner in which the law is enforced.

Q. What steps are taken by those superiors; by you, for instance, as inspector, for the purpose of seeing how well the captains, in their several precincts, secure the performance of their duty by the patrol-

men or ward detectives of the precincts? A. By irregular visits, day and night.

Q. Have you any assistants in making such irregular visits? A. I have one.

Q. Has each of the officers one? A. Inspector Conlan, I think, has three; Inspector Steers, two; I should have two, but the board has not acted on my second application.

Q. It is for you to determine, in the first instance, how many assistants you think you ought to have, and then to make application for them, and then you get them or not, as the board decides? A. Yes, sir; we ask, and they grant or refuse, just as they see fit.

Q. Inspector, have you ever heard of Gombossy's place that is licensed to one Eismann on the Bowery? A. Yes, sir; 294 Bowery.

Q. Have you ever been in that place? A. No, sir.

Q. Have you ever caused any inquiry to be made as to the manner in which the captain secured the enforcement of the excise laws in that place? A. I asked the captain about it, and he said the place was run according to law, and that the place was invariably closed at 12 o'clock at night; I don't know to the contrary.

Q. Now, if the captain were to tell you that a place of that kind were run according to law, would you make any further inquiry as an inspector? A. Not unless there had been some complaints.

Q. If the matter had been called to your mind, either through the complaint of a citizen or through some information that reached you in the force, you then would make a special inquiry about it? A. I would make inquiry in person.

Q. Otherwise, you would depend upon the captain? A. Yes, sir.

Q. Now, is it possible for you, as inspector, to pursue any other course than that; what I mean is this, is it possible for you to avoid relying upon the captains and their own words, to just that extent? A. The superintendents have to rely more or less on the captains of the precinct, who are on the ground all the time, and who have special officers for the purpose of seeing that the laws are enforced.

Q. Is it not the fact, then, that as the police force of New York city is organized, the captain of police is really the efficient and responsible officer for the conduct of affairs in his own precinct? A. Yes, sir.

Q. And that the aggregate of those responsibilities makes up the responsibilities of the police force for the entire city? A. Yes, sir; the inspector's duties; you know he has to visit, he has to look after the condition of the station-houses, has to see that the books are properly kept; he has to attend all large fires and large gatherings

and it keeps him pretty busy, and he has only a general knowledge of what is going on in the precinct.

Q. He might be deceived as well as the public or a citizen? A. Yes, sir.

Q. It is his duty to generally supervise his work, but in the exercise of the supervision he himself may be deceived you think? A. If there are complaints made he can not be deceived.

Q. In case of complaint then, the responsibility becomes direct so far as the inspector is concerned? A. Yes, sir; it is his business to go and investigate and arrest if there is a violation of the law.

Q. Failing in that you think his responsibility is only to do the best he possibly can under all the given circumstances? A. Yes, sir.

Q. And that if he fails to discover that there are violations of the law, it is not his own fault because he is not equipped sufficiently to do it? A. That is about the truth of it.

Q. That you think is the position and you wish then to stand by the assertion that that is your understanding of the system, that the actual responsibility for enforcement of the law, as far as the police is concerned, must fall on the captains in their several precincts? A. The precinct captains; yes, sir.

Q. They are thoroughly equipped for the work? A. Well; yes, sir; they have a large force; they can at any time detail any number of men.

Q. Describe how that force is organized?

By Senator Fassett:

Q. Right there, has the inspector any disciplinary authority over the captains? A. Yes, sir.

Q. To what extent? A. Making complaints.

Q. Can you suspend a captain? A. No, sir.

Q. What power of punishment have you over a captain? A. None.

Q. Then you have no disciplinary power? A. Except to bring him before the board for any violation of the rules or neglect of duty.

By Mr. Ivins:

Q. The superintendent has no disciplinary power either? A. I think he can suspend.

Q. Temporarily? A. Yes, sir; he has got to immediately report to the board.

By Senator Fassett:

Q. Can the superintendent suspend during the action on any complaint he makes? A. No, sir.

By Mr. IVINS:

Q. What you mean is this, captain, is it not, that if the superintendent finds a captain has been derelict in his duty, he can suspend him at once and at once make his complaint to the board? A. No, sir.

Q. What can he do? A. For a very gross violation of the rules, for instance intoxication, for an assault feloniously, he can suspend him from duty; but for a simple violation of rules, for a neglect of duty, he simply makes the complaint and he goes right along.

Q. For a crime or what would be known as conduct grossly unbecoming an officer, he can suspend? A. Yes, sir.

Q. Suspend him temporarily, but whether that is to be permanent, whether the man is to be removed, or whatever the fate of the officer is to be, is to be determined by the board? A. By the board of police, after trial.

Q. I do not want to ask you too much about your superior officers, but is the board of police in New York city made up of men who have had experience, professionally, as police officers? A. No, sir; not as police officers they have not.

Q. Is it made up of men who have had any peculiar prior qualification so far as you know, for the performance of the duties of the heads of a great police force?

Senator FASSETT.—I think the question, perhaps, should be, peculiar prior training.

By Mr. IVINS:

Q. Well, training? A. Well, training would be necessary to go through a police school.

Q. I don't mean in that sense? A. I could not answer that question.

Q. You have a professional body of policemen here in New York city? A. Yes, sir.

Q. Which is controlled and supervised by a body of men who are not related in any way, professionally or otherwise, to that professional body of the force? A. They are not members of the force; no, sir.

Q. They are not members of the force, and as to what is to become of any given officer in case of a gross violation of the law or of the regulations, depends upon that body and not upon any member of the force? A. That is correctly stated.

Q. So that in the determination as to what should be done with such an officer, it is impossible that considerations should weigh in the minds of the final judges other than mere police considerations, is it not? A. I have not found it so; not to any great extent.

Q. I say it is possible it might? A. Yes; but I have not found it so.

Senator Fassett.— Mr. Ivins, that is almost assuming that that would not be so if they were elevated from the force to the position of commissioners.

Mr. Ivins.— I do not want to make that assumption at all.

Q. Have you ever heard of Blank's place, 100 Third avenue? A. Yes, sir.

Q. What have you heard about it as to its character? A. Somewhat mixed.

Q. What do you mean by somewhat mixed? A. Respectable and women of doubtful character both go there.

Q. Men of doubtful reputation? A. Men-about-town and sight-seers.

Q. Crooks? A. I presume they fetch up there once in a while; the music attracts passers-by, and the lights; the people go in and it is a cheap place of amusement.

Q. How long have you had a police experience in New York city? A. Nearly twenty-four years.

Q. You know the town pretty well, its people and their habits? A. Yes, sir.

Q. And you have been called upon occasionally to do some serious and severe duty? A. Yes, sir.

Q. And you have done it without hesitancy? A. In some cases.

Q. If you were an excise commissioner would you think that Jacob Blank with your knowledge of the place was a proper place to license as a place in which liquors were to be sold? A. Well, Mr. Ivins, I will say this, that a place where there is cheap, good music people go there and enjoy it that can't go to the Metropolitan Opera House, respectable people go there with their families; the doors are open to anybody that comes along, and I have seen women of doubtful character go in and out of there; I have seen respectable people going in and out of there.

Q. You have seen women of doubtful character going to the Metropolitan Opera House, have you not? A. Yes, sir; I think if Jacob Blank would comply with the provisions of the law, there is no reason why he should not be licensed.

Q. Now, suppose it were shown that he did not comply with the law with regard to selling liquor on Sundays or after hours? A. His license should be revoked and he should be punished.

Q. Suppose it were shown that he systematically did that, do you think that he was a man who himself, or through his agent in another name, ought to receive a license so that the place should go on? A.

No, sir; once he violates the law he should lose his license and it should not be given to him again.

Q. Suppose he did not violate the law but that this were—I am not alleging that it is, but supposing that it were in view of the character of the people who go there, some of them respectable and some of them not quite so respectable—used as a place nevertheless in which and to which men and women come for the purpose of making appointments and making improper acquaintances and were really from a moral point of view a rotten spot in the community and in the public life of the town, would you think that it ought to be licensed? A. There is, Mr. Ivins, in this town, New York, nearly 2,000,000 people, there is a demand and there has got to be a supply; there is a law against killing those people and they have got to have a roof over their heads.

Q. Well, what do you mean by that? A. That those women will exist, they exist and will continue to exist.

Q. Well, we will admit that? A. There is 30,000 strangers in this town every night that sleep somewhere else to-morrow night.

Q. Admitting that, do you think that the place in which those strangers make their appointments, a place to which they not being citizens of New York go for the purpose of having a good time, at the expense of our public peace, should be licensed to sell liquors and assist them in having a good time? A. No; I don't know as it should be licensed to sell liquor; I don't know that they should be licensed as concert saloons, but they do exist.

Q. Well, I ask you if, in view of such a state of facts, assuming you were an excise commissioner, you would grant a liquor license to the place? A. If he complied with the law; failing to, I would revoke his license.

Q. By that you mean a strict, technical compliance with the law? A. The letter of the law.

Q. The letter of the law and nothing more? A. Yes, sir.

Q. And what do you understand to be the letter of the law? A. As granted by the excise board and by the mayor, for a concert.

Q. That is, that so long as he does not sell later than 1 o'clock at night? A. I think he is restricted to 12 o'clock under the concert license.

Q. So long as he does not sell later than 12 o'clock in case he has a concert license? A. Yes, sir.

Q. Or later than 1 o'clock in case he has no concert license? A. Yes, sir.

Q. So long as he does not sell on Sundays, if the place be open; so

long, if he keep a concert room, as he does not employ female waiters, and so long as he does not permit, if he keep a concert room, his singers or dancers in costume, to come among the audience? A. That would be a violation of the law.

Q. Then you think he ought to have his license? A. If he complies with those provisions.

Q. You remember the place Billy McGlory kept? A. Armory hall.

Q. Yes. A. It has not been running for three years.

Q. You remember the place Harry Hill kept? A. Yes, sir.

Q. Suppose that Harry Hill or Billy McGlory were now keeping places in just the way in which they kept those places, complied with these six specific features of the law that I have referred to, so that they were not violated in any way, would you, nevertheless, think that such places ought to be licensed as proper places to sell liquor? A. For Harry Hill or Billy McGlory, no; I wouldn't license either one, because they would give proof positive that they would not obey the law.

Q. Supposing it were not either of them, but some man who, although he had not given such proof positive, were, nevertheless, obeying the law in these particular respects, but not in other respects, running a place that was just as immoral and degrading as Harry Hill's or Billy McGlory's? A. Then I would revoke the license.

Q. You would grant the license in the first instance? A. To comply with the law.

Senator Fassett.—Right here, of course, you have not instanced the only places where there could be technical violations. You did not mean those six cases to include all?

Mr. Ivins.—No; there are several minor violations I have not referred to.

Q. Do you know the People Assembly Room on the Bowery, number 200? A. I know their location; I have never been into it.

Q. Do you know its reputation? A. Resorted to by Germans, middle class; I think it is more of a ball room than anything else.

Q. And all kinds of men and women go there to dance? A. I really couldn't tell; I don't know anything about the place.

Q. Do you know the place, 130 West Twenty-third street? A. No, sir.

Q. Do you know Kelly's, 336 Sixth avenue? A. I only know of it.

Q. What do you know about it? A. Simply it is kept by a man named Kelly.

Mr. Ivins.—I want to say to the committee, I have here a list of places which are very different in their characters. In regard to some

of these places, no charge has been made, or will be made, that they are being run for immoral purposes, but only that they are run in systematic violation of the law, or some of them in very frequent violation of the law.

Q. Do you know Louis Klessler's concert hall, 27 Bowery? A. I know where it is; I have never been in it.

Q. Do you know its reputation? A. I think women of doubtful character go there; in fact I am satisfied of it.

Q. Is not that one of the places that when a man wants to go around town and see the sights, such a man as you referred to a little while ago, that is one of the places he would naturally go to as being an unusual and curious sort of a place? A. If, in the judgment of his guide, it is bad enough to go to, he will take him there.

Q. Isn't a guide frequently a police detective? A. No, sir; not always; sometimes detectives from hotels, or alleged detectives.

Q. Do you know the Concert Hall, 34 Bond street? A. No, sir; that is not in my district.

Q. Thirty-four Bond street is not in your district? A. No; I go across Bleecker from Broadway up to Fourth avenue.

Q. Well, is Jeffley's, 54 Bleecker, in your district? A. No, sir.

Q. Do you know "The Mart," 107 East Thirteenth? A. Yes, sir.

Q. What about that? A. I turned it inside out last Friday night.

Q. Why did you? A. Because I heard the place was getting pretty ripe; I visited it Saturday night myself, and the following two or three nights I put officers in there, who remained and procured the evidence, and, on warrants, arrested the proprietor.

Q. What did the evidence show as to what was going on; we would like to see what what you think is a good reason for turning such place inside out? A. Men and women sitting at the table drinking, women smoking; a man played on the piano, and once in a while the waiter will get up there and sing; once in a while one of the girls would get up there and sing.

Q. Had a concert license for that place, had they? A. No, sir; a girl would get a little jolly, and she would attempt to do a little high kicking.

Q. What do you mean by a little jolly; a little tipsy? A. Yes, sir; I arrested them all; the barkeepers, eight, were held for violation of the law, the proprietor held in $1,500 for concert and disorderly house.

Q. Was there enough business there to keep eight barkeepers busy? A. It would look so; they had them all.

Q. A pretty important place from the point of view of liquor selling? A. Yes, sir; I guess he is doing a pretty fair business.

Q. He is not doing it any more? A. Oh, yes.

Q. Is he doing it now? A. Yes, sir; certainly; I was there Friday night, I was there Saturday night, and it was open.

Q. Why did you not pull it again? A. I had no evidence.

Q. You had no evidence for the second pulling? A. No, sir.

Q. Was not the evidence for the first pulling sufficient to have you pull it, and keep it shut up? A. I would have to get another warrant.

Q. How does that happen to be the case? A. It was after hours the violations of the law occurred.

Q. The first time? A. Yes, sir; between 1 and 5 o'clock in the morning.

Q. The second time they were not violating the law? A. Not at that time; I was there about 10 o'clock.

Q. You think that place ought to be shut up permanently, do you not? A. Yes, sir.

Q. Why can not the community have it shut up permanently, tell us? A. It is licensed.

Q. Because it is licensed; now, if the license was revoked, it would stop? A. Yes, sir.

Q. Unless it went on in violation of the law again? A. It would not.

Q. Then you would keep it shut up permanently? A. Yes, sir.

Q. What did you do in regard to securing a revocation of that license? A. Made a report to the board of excise.

Q. Do you know what the board of excise did? A. I think the report only went there yesterday morning or day before yesterday.

Q. How frequently had the Mart been called to your attention before you pulled it? A. There had been three or four excise arrests made there, after hours.

Q. Do you know whether any complaints had been made to the board of excise commissioners of those arrests? A. There had been reports made, I presume; we report all violations, all arrests; I was through the street one afternoon, about two weeks ago, and a citizen or two spoke to me about the condition of the street, the number of women this place brought into the neighborhood, and I looked it up.

Q. Is it not a great disadvantage to any neighborhood that a place of this kind should go on which brings a number of disreputable women into the neighborhood? A. It does not add to the value of the property.

Q. Does it add to the public decency and peace and morals? A. Well, it takes some of them off from the street.

Q. Do you think it is better to have them off the street than on it? A. Yes, sir.

By Senator FASSETT:

Q. What is a loss to that part of the city is a gain to some other part? A. Yes, sir.

By Mr. IVINS:

Q. It is rather rough on that part though? A. Well, it don't improve it, Mr. Ivins.

Q. That applies to these other places you have spoken of frequented by disreputable women too? A. Yes, sir; it all has a leaning that way.

Q. There are neighborhoods to which this sort of thing does not do much damage? A. Yes, sir; localized.

Q. I will ask you about that localizing of this sort of thing later; this place was inspected by John J. Hart, an inspector of excise, on the 25th of January, 1890, during this past winter; he reported that it was located within a block of a church; that the moral character and general reputation of the applicant for the license was good? A. He was formerly barkeeper and bouncer for William McGlory.

Q. It says he was a new party; William Bush? A. Two of them are interested in the place; there is Walsh and Sullivan; Walsh was barkeeper and Sullivan was bouncer.

Q. The place was licensed to William Bush; do you know who William Bush is? A. No, sir; I do not.

Q. Walsh and Sullivan are the reputed owners of the place? A. Yes, sir.

Q. Don't you know that they were the real owners of the place? A. Not positive; I arrested Walsh as proprietor and he was held as such.

Q. Bush, whoever, he was, was reported though as a man of good moral character and general reputation; would you think that a man who would act as the agent for such a man as Walsh or Sullivan, knowing Walsh and Sullivan have been connected with Mr. William McGlory theretofore, was by virtue of that fact of good moral character and general reputation? A. I would fight a little shy of him.

Q. How would you have reported on that matter had you been the captain of the precinct and the application had been referred to you as captain? A. With the knowledge I have now I would report against it.

Q. If you had known that Walsh and Sullivan were the actual parties, how would you report? A. Against.

Q. What steps would you take to find out about Bush as to how far he represented persons of irregular character? A. That might be a long story; quite a big job.

Q. Would not your duty be, in order that you might save the necessity for arrests of this kind in the future, to do the job thoroughly? A. I would try to do it thoroughly.

Senator FASSETT.— Are you questioning him now as captain of the precinct?

Mr. IVINS.— I am questioning him as captain of the precinct. Now, that was reported upon by Captain John H. McCullagh. He answers the questions: Is the above named person of good moral character? I know of nothing detrimental to his character. Do you know of any reason why said person should not be licensed? I do not. Is any part of these premises used for gambling or other immoral or unlawful purposes? None. Has any part of the premises been so used heretofore and when? None to my knowledge. Is any part of the building used as a resort for thieves, gamblers or prostitutes or other disorderly persons? It is frequented at times by females of doubtful character. He reported that he did not know that it had theretofore been used for any such purpose and did not know of any violation of the law upon the premises except what he had stated. When asked: Do you know of any reason why said premises should not be licensed? He answered: "I do not."

Q. Now, do you know what the character of the place itself was prior to the granting of this present license in January? A. I do not know, sir; my impression is, though, it was a lager beer saloon kept by a German; I don't know that it is so, but that is my impression.

Q. Do you know about when this place came to be so distinctly disorderly as it was when you were required to interfere? A. Oh, within the last month or six weeks; the weather has been getting warm and those people has been coming out.

Q. Do you know why you as inspector should have been required to go out of your way to pull that place, why this infraction of the law was not known to the captain and why he didn't pull it? A. The captain asked me for to place men in there and get evidence, that they knew all of his.

Q. That they knew all of his men? A. Yes, sir; I took mine from the central office, in fact I took one from the thirteenth precinct.

By Senator FASSETT:

Q. Put them in citizens' clothes? A. Yes, sir; a new appointment, left him there all night.

By Mr. IVINS:

Q. So that the captain did his full duty in the matter of pulling that place? A. Yes, sir; as far as was in his power; when I closed the doors of the place, the captain was on the corner with a platoon of men in uniform to take them to the station-house.

Q. Do you know a place kept by Joe Kuntz, 69 Third avenue? A. It is not kept by him; it is kept by a man named Murphy.

Q. What kind of a place is it? A. I have had one arrest there for violation of the excise law; it is a lager beer saloon on the first floor, the basement was formerly a bowling alley; since Murphy has been there he has fitted it up as a dancing hall, but I prevented it.

Q. They don't dance there? A. They would like to, but they don't.

Q. Murphy is the reputed owner of the place? A. He is the owner; Kuntz don't own it.

Q. Kuntz is the licensee? A. That may be.

Q. Do you know Murphy is the owner? A. Yes, sir.

Q. Has he ever told you so? A. No, sir.

Q. How do you know it? A. He is there all the time; runs the place.

Q. Actually commands it? A. Yes, sir; he is another McGlory connection.

Q. What was his McGlory connection? A. He was an employe.

Mr. LEVENTRITT.—The license is to Murphy.

Mr. IVINS.—I find I was in error in regard to that. The license is to Murphy. My memorandum of points is incorrect.

Q. Is there a brewer named Kuntz in the city? A. There was a week ago but he is over the river now.

Q. He is dead; that will account for it; it is frequent in those cases to have signs out showing the name of the brewer whose beer is sold? A. Yes, sir.

Mr. IVINS.—My witness may have made a mistake in that respect. The inspector's report shows that the premises are owned by Mr. Kuntz.

Q. This is also in Captain McCullagh's precinct? A. Yes, sir.

Mr. IVINS.—He reports: Is the above named person of good moral character; I have made an inquiry and can not find out.

Q. That is all the captain is required to report is it not, if he has honestly inquired? A. I will say in that particular case that both

Captain McCullagh and I went further than that; we called upon the excise board and protested against a license being granted to that place or to that man.

Q. That was in February of this year? A. Sometime this year.

Q. The application is dated the 21st of February, 1890; now, who is this man Murphy? A. He used to be with McGlory, I believe.

By Senator Fassett:

Q. Do you mean to say that before this license you and Captain McCullagh protested to the excise commissioners? A. Yes, sir; we did, verbally.

By Mr. Ivins:

Q. On the ground that the person was not of good moral character? A. Yes, sir.

By Senator Fassett:

Q. Did you go before the entire board? A. I don't think the entire board was there; I think Mr. Meakin and Mr. Fitzpatrick was there.

By Mr. Ivins:

Q. That constitutes a board, however, for business purposes? A. Yes, sir; I guess it does.

Q. Just state what you said to the board as near as you can? A. I described the premises; there is an alley leading out to Eleventh street; that block in Eleventh street is very respectable, and after hours they proposed to use this alley to get into 69 Third avenue; I had other reasons; I live in the neighborhood myself and I wanted to keep those people as far away as possible.

Q. You wanted them in some other person's neighborhood? A. Yes; Mr. Ivins.

Q. What did Mr. Fitzpatrick say? A. I don't think there was anything said; they said they would make inquiry and find out if this man was all right, and if he would promise not to do any of this business there that they might give him a license; I think a license was shortly after granted.

Q. Did you tell them in terms or with distinctness that he belonged to the McGlory school of art? A. I think I did; yes, sir; he had another man associated with him named Flynn.

Q. Who was Flynn? A. Well, Flynn is trying to make an honest living now; he had been in State prison; pardoned by the Governor; sent over for eighteen year.

Q. What was he sent there for? A. Stealing Mr. Barry's diamonds, Fifth avenue and Forty-fourth street.

Q. Did you tell them Flynn was interested with Murphy in it? A. Yes, sir.

Q. Do you recall that circumstance? A. I told them who he was and Flynn came there, made affidavit that he was not connected with the place; I think Flynn is trying to make an honest living to-day.

Q. And making it in the liquor business? A. No, sir; he has a show on the road.

By Senator FASSETT:

Q. A museum? A. No, sir; theatrical.

By Mr. IVINS:

Q. That takes him out of New York a good deal? A. Yes, sir.

Q. He is not trying to make an honest living here? A. He hangs up here for a week once in a while.

Q. Did anybody else have an interest in that place? A. Not that I know of.

Q. Do you know the saloon 116 Bowery? A. No, sir.

Q. That is licensed to John C. Sullivan? A. I don't know the place, sir.

Q. Do you know the place 311 Bowery? A. Yes, sir.

Q. Who runs that? A. A man by the name of Opp; John Opp.

Q. Who is Opp? A. I think he is a man who has always made a living in that way; keeping liquor saloon.

Q. It is licensed to Frederick Roos; is Opp in charge and command of the place? A. Yes, sir.

Q. You know of his being there continually? A. I have seen him there; seen him standing around the door; I never have been in the place.

Q. What sort of a reputation has the place? A. Well, the place is getting better; it used to be a little bit off.

Q. How long ago did it used to be a little bit off? A. Six or eight months; it is improving; not frequented by those women.

Mr. IVINS.— The report in that case shows that Philip Opp was the former licensee; it shows that there is no record of any arrest on file in this office, and I noticed in these reports there is little reference in them to the fact that the former licensee has been arrested.

Q. Do you know a place known as the Station at 458 Sixth avenue; or isn't that on your side of the street? A. No, sir.

Q. Is that on your side of the avenue? A. Four hundred and fifty-eight would be about Twenty-ninth street.

Q. Yes. A. Between Twenty-ninth and Thirtieth; I don't come below Forty-second on Sixth avenue.

Q. That excludes you from the most difficult part of Sixth avenue, does it not? A. Yes, sir.

Q. There are a number of notorious places on Sixth avenue between Thirty-third street and Twenty-third, are there not? A. Well, they have got somewhat of notoriety; yes, sir.

Q. You were there at one time captain of that precinct, were you not? A. I was there eleven years.

Q. You are pretty familiar with that particular stretch of street? A. I ought to be.

Q. Give the names of the places which are now running in that street, so far as you know, that are the most notorious? A. I would have to go there and be introduced, Mr. Ivins, they have all changed hands so often.

Q. How long since you have been out of the precinct? A. Three years.

Q. Well, as a matter of fact the places are still running are they not? A. I don't know, sir; I don't go in that precinct.

Q. Don't go into it at all? A. I don't have time.

Q. One hundred and eighty-five Christie street, is that in your precinct? A. Yes, sir.

Q. Do you know it? A. Who keeps it?

Q. Mr. Friede. A. No, sir; I do not.

Q. Two hundred and eighty East Houston street, William Leith or Lieth? A. Yes, sir.

Q. What kind of a place is that? A. I never have been in it; it is down there in a low neighborhood amongst the lower classes; I presume it is resorted to by respectable and otherwise.

Q. Is it not a place that is resorted to by French and Germans and Italians and even negroes? A. I really couldn't say; I don't think there is any negroes there; I don't think there is any Italians go there.

Q. The French are over there? A. There is a few.

Q. Do you know Hickey's Cottage Place on Bleecker street? A. No, sir.

Q. Do you know Thiess', at 136 East Fourteenth street? A. Yes, sir.

Q. Do you know whether that is now licensed to sell liquors or beer? A. It is not.

Q. Do you know whether liquors or beer are sold there at all? A. I have seen officers there at irregular hours; I have had the captain send officers there and they fail to procure any evidence.

Q. It is run, then, only as a concert saloon? A. Concert and not even that; they have not any string band; they have one of those orchestrions; that is the only thing they have got.

Q. That is all? A. Yes, sir.

Q. But people go there and sit and listen to the orchestrion? A. And drink soft stuff; that is all they get there.

Q. They can not get anything else? A. Not that I know of.

Q. It is an orchestrion accompanied by a soda water fountain? A. I will accept that statement.

Q. It is pretty full, is it not, of people? A. Not as full as it used to be when it was licensed.

Q. It used to have more attractions then? A. Yes, sir.

Q. Still, it has all the appearance of prosperity and a successfully run place, has it not? A. No, sir; it has not.

Q. Do you think it is pining for a license? A. Looks kind of blue around there sometimes; you see plenty of empty chairs and tables.

Q. Do you know Noonie's place, 2002 Third avenue; that is above your district though, is it not? A. Yes, sir.

Q. Is Elizabeth street in your precinct? A. Yes, sir.

Q. Do you know Blennana who keeps a place 306 Elizabeth? A. No, sir.

Q. Did you ever hear of it? A. No, sir.

Q. Do you know of Koster & Bial's, Twenty-fourth street and Sixth avenue, not the concert hall but the other place? A. I know of it; yes, sir.

Q. What do you know of it? A. I don't know anything against it it was respectable when I was in the precinct.

Q. Is it not in your precinct at present? A. No, sir.

Q. Do you know Louis Gross' place, 255 Bowery? A. No, sir.

Q. Do you know a place kept by Eliza Cristillo, 113 Mulberry? A. No, sir.

Q. Have you ever heard of her? A. No, sir.

Q. Now, inspector, would you, were you an excise commissioner, think it sufficient reason to refrain from granting a license or to refuse an application, if you found that the police had on a number of occasions made arrests for a violation of the excise law, and that on each of those occasions the person arrested had appeared in court, and given bail, even though there had as yet been no trial? A. Would I grant a license?

Q. Yes. A. No, sir.

Q. Would you not, were you an excise commissioner, think it sufficient that the police had been obliged to make arrests once, twice, thrice or a dozen times, no matter what became of those arrests? A. I will say, Mr. Ivins, that the police and excise commissioners are not so much to blame for all those arrests; the fault is with the courts; if

you take a half a dozen or a dozen of those people to court, and convict them and imprison them, you will require a jimmy to get into a liquor store Sundays.

Q. Is it not your belief, inspector, that if to-day the district attorney's office were to take up twenty-five or fifty of those cases and the courts were to hear those cases and the maximum penalty of the law were to be imposed upon those actually found guilty, that it would do more towards enabling the police to enforce the law and more towards a general enforcement of the law than anything the police can do? A. Their occupation would be gone as far as enforcing the excise law is concerned; it would stop it by sending those people to prison, were several actually convicted of an offence.

Q. Is it not your opinion that the reason the law goes on unenforced continually is because the offenders, through the present system let the fault lie where it may, those who are actually arrested for offenses do, notwithstanding the arrest, have practical immunity? A. Well, you might call it so; they are brought up and plead guilty two years after they have been arrested and they are fined five dollars.

Q. Now, right in this connection, let me leave this for a moment and ask you if half a dozen gamblers of this town were actually tried and convicted and received the highest sentence, or the most severe sentence which the law allows, if that would not practically put an end to the gambling in New York city? A. Public gambling is practically at an end in New York city.

Q. When did it come to an end; after the Reform Club caused arrests? A. No, sir; I don't think the Reform Club had anything to do with it; I think the policeman's club as much as anything else.

Q. Why did not the policeman's club have as much to do with that before the Reform Club made complaints and got warrants? A. Where did they get warrants?

Q. From Judge Taintor and they made a number of arrests and it became known publicly that that was about being done at the time and then the police acted? A. No; the police acted before; that was in pool cases.

Q. Pool cases? A. Yes, sir; under a law that it is a felony on this side of the fence and robbery on the other.

Q. Is Appleby's place on Broadway in your precinct? A. No, sir.

Q. Whose is it in? A. Captain Brogan's.

Q. That is Inspector Steer's district? A. Yes, sir.

Q. Do you know whether Appleby's place was shut up at that time? A. I don't know.

Q. Do you know whether it was ever shut up? A. I do not.

Q. Do you know whether it has been steadily running for about twenty-five years? A. It had the reputation of a gambling house for a long time, but you can't get in there without being well acquainted, and you have got to be brought there by a person well known in the place to get in.

Q. This question of gambling was only a little side issue brought about by your statement that if the liquor laws were enforced by convictions and actual punishments, it would put an end to that? A. To a great extent.

Q. And I wanted to know if the same thing would result if the gambling laws were administered properly by the prosecuting officers? A. The same would apply to the number of murderers we have; if they were hung, we would have less of it and less murders.

Q. Where do you think the responsibility lies for a greater or less prevalence of crime in New York city, the police department or the public prosecutor's office? A. I could not say; we make a great number of arrests; I think we arrested 82,000 people last year.

Q. That includes a great many people who are arrested and immediately discharged? A. A few.

Q. It includes the vagrants? A. Yes, sir; disorderly conduct, intoxication.

Q. How many of these people whom you arrested in that way were arrested for crimes or misdemeanors that were punished by a sentence to the penitentiary or to State prison? A. More than one-third.

By Senator FASSETT:

Q. More than twenty-five per cent? A. I think so; yes, sir.

By Mr. IVINS:

Q. We can get those figures exactly when the times comes? A. You can get them from the police department.

Q. Is there a record kept in the police department of questionable places? A. Yes, sir.

Q. Would that record if properly kept have on it the names of such a place as The Mart and Murphy's and Opp's? A. No, sir.

Q. And Blank's? A. Those are licensed places; they go on another record, the excise book.

Q. What kind of records do you keep showing the location of notorious or questionable places or of unlicensed places where offenses against the law may be committed? A. There is a quarterly report made to the superintendent of police by the captains of the precincts of all gambling, policy, lottery, assignation houses and houses of prostitution.

Q. So that the police know, or are supposed by the board to know every gambling house, every lottery place and every policy shop? A. Every alleged gambling house.

Q. Every alleged gambling house, every alleged policy shop, every alleged house of prostitution in the precinct? A. In the city.

Q. But each captain for his precinct? A. Yes, sir.

Q. All the captain has to do, assuming he knows where these alleged places are, is to find out whether the laws are being violated or not? A. Yes, sir.

Q. Suppose liquors are being sold in such places, he is supposed then to find out whether there has not been a violation of the excise law in those cases? A. I guess he knows they are sold there when he makes the arrests.

Q. Now, in your experience as a police officer of the old twenty-ninth precinct, is it not your experience that liquors or wines or liquors and wines or wines alone are actually sold in most of the houses of ill-fame in this city? A. I have seen wagons delivering on the premises.

Q. You do not suppose the madams give it to the visitors do you, as an act of hospitality? A. I do not know, sir; I visit them very little myself.

Q. If you, as a police officer, were to see something of the kind going on, wine delivered and drunk on the premises, would you take it for granted that it was a hospitality or would you take it for granted that it was to be paid for? A. I don't know whether it would be a gift or paid for; sometimes they give it away, sometimes get paid for it and sometimes they get stood-off for it.

Q. What would be your assumption? A. Either one of the three.

Q. Could you not very readily as a police officer find out? A. I might by following up the party who bought the wine and seeing him pay the madam, but I think it is small business for the police to go into.

Q. Is it not one of the most offensive and worst violations of the excise law? A. It is some of the hidden sins of New York.

Q. Is it not selling without a license under the most vicious and ugly accompaniments? A. Sometimes, yes.

Q. And are there such cases where selling without a license ought to be stamped out more rapidly and more quickly than any other cases? A. I don't think it could be done.

Q. You do not think it could be done? A. No, sir.

Q. You think it is the duty of the police to try to do it? A. They have tried.

Q. And failed? A. I have tried myself to stamp it out, stamp out houses; I have sent police officers there, I sent a police officer to a house on Twenty-eighth street, the public school people complained; the officer gave his evidence in court; he was put on trial for what he had done and dismissed by the board of police.

Senator FASSETT.—That was encouraging.

By Mr. IVINS:

Q. When was that; when you were in the twenty-ninth? A. Yes, sir; Officer George W. Bloom.

Q. Who was his friend? A. That he took with him that night?

Q. No; who was his friend who interfered for him or intervened for him with the board of police? A. I said he was dismissed.

Q. I thought you said your complaint was dismissed? A. No, sir.

Senator FASSETT.—He said he tried to break up the house, and the officer was dismissed from the force for the efforts he made.

The WITNESS.—The Court of Appeals reinstated the officer on the ground that at the time he violated the police rules he was obeying the orders of a superior officer, and may have exceeded the orders he received, and on this ground they reinstated him; the same thing; a policeman in the fifteenth precinct sent out to get excise cases; he got too much evidence.

Q. What do you mean by that? A. He got full; he was dismissed by the board of police, and on the same ground reinstated by the Court of Appeals; he went out to get evidence, and possibly got a little too much; there has been a number of cases of that kind.

Q. Now, tell us what you and the captains under you do in your inspection district for the purpose of enforcing the Sunday liquor law? A. We send out men in plain clothes; even on last Sunday, going through Roosevelt street, near Front, I saw two men let into a liquor store on the southwest corner of Front and Roosevelt streets, half-past 7 or 8 o'clock in the evening; I went to a station-house, took a policeman, put him in a citizen's clothes, and went down and arrested the proprietor; we have men in citizens' clothes every day; we average 100 arrests a week.

Q. What is the largest number of arrests ever made in New York city on one Sunday? A. We have went right along with that average; I think we have went as high as 130, and then it has dropped down to seventy.

Q. The New York *World* claims it sent out its reporters on Sunday, the thirteenth of April, and they found over 500 places open and selling on Sunday; do you think that is an improbable state of affairs?

A. I looked the thing up; I found, I think, there were thirteen reporters, and they would have to take forty drinks apiece, and I think they got a pretty good jag on them when they got down to the office.

Q. Can a man take evidence without taking a drink? A. If he is pretty good on the smell.

Q. He can see a man order the drinks and see them drink? A. Yes, sir; that would be evidence.

Q. If a man calls for whisky and he sees the barkeeper supply the waiter and the man drank it? A. He couldn't swear it was whisky.

Q. It would be pretty good evidence? A. He might have got brandy; we would arrest on that evidence.

By Mr. Ivins:

Q. Is the police officer methodically trained in this sort of casuistry — A. [Interrupting.] What kind of history?

Q. Casuistry; this sort of reasoning in regard to finding out whether it is gin or water? A. They are asked to swear what they drank, whether lager beer, weiss beer, gin, whisky or brandy.

Q. Don't you know that there are two classes of offenses which are distinct, one for being open on Sunday, the other for selling liquor on Sunday? A. Yes, sir; we arrest in both cases.

Q. Would you not arrest for being open on Sunday if these places were open, whether you had gone in and drunk the liquor or not? A. We do; yes, sir; this case I spoke to you about last Sunday evening; he would not sell anything.

Q. Then the reporters of the *World* may have found these places open, which was a violation of the law? A. Yes, sir.

Q. And in order to have so found them open, it would not have been necessary for them to have taken forty drinks apiece? A. No, sir.

Q. So that they may have discovered violations of the law without having performed so heavy a task? A. In some cases the judge won't hold, where a place is open and the bar given up.

Q. Can you name any such case? A. I can't, but the police charge where a man won't sell, if his place is open and the bar exposed, that is the complaint he makes.

Q. Why need he make the complaint "bar exposed?" A. Because it is exposed; because the judges will not hold, I don't think, where the bar is given up, and to all appearance there is no business going on.

Q. Did you ever hear of a decision by Judge Daniels, I think it was, in the Supreme Court, to the effect that if a place was open in any possible sense, so that it could be said to be physically open on

Sunday, no matter what the condition of the bar was, whether exposed or unexposed, it was a violation of the law? A. Yes, sir.

Q. You have heard of that? A. Yes, sir.

Q. Have you ever known any police justice to refuse to hold a party arrested, where it was set out clearly that the place was open on Sunday? A. Yes, sir.

Q. Who? A. I couldn't say, but officers come back and report the prisoner's discharged; what is the reason; the magistrate refuses to hold because they did not buy any liquor or see any sold.

Q. Can you find out any such instances? A. I guess there is plenty of them.

Q. Can you help us to find out some? A. Yes, sir.

By Senator AHEARN:

Q. Where the proprietor of the store lives in the rear of the store? A. Yes, sir; there are a great many cases of that kind, where a family lives in the rear of the saloon.

By Mr. IVINS:

Q. There may be a case where the place is open, then, in your judgment, and still not open? A. Yes, sir; where the family lives in the rear.

Q. Is it necessary, if the family lives in the rear, to have the doors to the barroom open, or access to the barroom possible? A. Well, it is about all the room they have got; there are hundreds of those small lager beer saloons in the city of New York, especially on the east side, where the wife attends bar in the daytime, and the husband works; a piano man or cabinetmaker, he works during the day, and when he comes home, he attends bar at night; hundreds of those cases; the barroom and kitchen, one bed-room, that constitutes the suite.

Q. In those cases, then, we have instances in which the law is really unenforceable? A. In some cases; I have a case over here in the thirteenth precinct where I am trying to get evidence; a man has a turn-table in the fence; liquor store is in that building; here is a corner building, you go in the yard to the corner building; you go to the turn-table, you put your can and ten cents in there and it is turned around, goes in and comes out filled; it is in the Thirteenth precinct.

Q. What is the name? A. I couldn't say without seeing the captain.

Q. When you see the captain, we would like to see if he has a license? A. The place has a license.

Q. I would like to find out whether the police protested against the license and how they came to have it?

By Senator AHEARN:

Q. This is only on Sundays you mean? A. Yes, sir.

By Mr. IVINS:

Q. Can you, from your experience, make any suggestions to this committee whereby the law could be amended so as to more perfectly fit actual conditions of life in New York city and be more directly, easily and certainly enforced? A. The excise law?

Q. Yes. A. By making it imprisonment instead of fine on conviction.

By Senator FASSETT:

Q. In all cases? A. Yes, sir; I think there could be an improvement too, by licensing the building; the owner of the property; and then hold him responsible for the character of the occupant and where a violation occurred, that place could never have a license again.

By Mr. IVINS:

Q. That would be a penalty sufficient in your judgment to make the person who owned it realize its seriousness and importance? A. Yes, sir.

Q. And to have an actual effect? A. Yes, sir.

By Mr. LEVENTRITT:

Q. I think you said that both you and Captain McCullagh called the attention of the board of excise to the place of John J. Murphy, and urged upon them the propriety of issuing a license, did you not? A. I told Mr. Meaken the character of this applicant, and I told him he would do wrong if he granted a license to that place; I told him it would be a resort for women, that those men had always been an associate of those women and he would bring them there in numbers; Mr. Meaken did not vote for the license.

Q. He did not vote for the license? A. No, sir; I understood he did not.

Q. The record discloses the fact that he did not; didn't you state that Captain McCullagh accompanied you in entering that protest? A. Yes, sir.

Q. Can you account, then, for the report that Captain McCullagh made to the board of excise with reference to that license, which report, of course, is in writing; in the first place, let me ask you whether you and Captain McCullagh went there to make this verbal

protest before or after the written report made by Captain McCullagh? A. It was after; certainly after.

Q. The written report of Captain McCullagh is as follows: Is the above named person of good moral character; I have made inquiry and can not find out; do you know any reason why said person should not be licensed; no; is any part of these premises used for gambling or other immoral or unlawful purposes; no; has any part of these premises been so used heretofore and when; no; is any part of the building used as a resort for thieves, gamblers, prostitutes or other immoral or disorderly persons; no? A. All of which is true.

Mr. IVINS.—Has any part of said building been so used heretofore? No. Do you know of any violation of law upon these premises now or heretofore? No. Do know of any reasons why the said premises should not be licensed? No. Remarks: I have made inquiry, and can not find out whether the applicant's character is good or not.

Q. Did Mr. McCullagh make any withdrawal of this report.

By Senator FASSETT:

Q. Do you understand the report to be literally true? A. Yes, sir.

Q. Can you account for this answer; do you know of any reason why said person should not be licensed; and Captain McCullagh answered that in the negative; and you say that he subsequently in conjunction with yourself advised the excise board that there were reasons why Mr. Murphy should not receive a license? A. I think at the time Captain McCullagh made that report he did not know the character of the applicant; I think it was me told him, and he accompanied me to the excise board.

Q. Do you know how long before the granting of this license it was that you made this verbal protest? A. I do not, sir.

Q. Do you know as a matter of fact that the license had not been granted at the time that you made the protest? A. That I could not say.

Q. Perhaps this license had already been granted when you and Captain McCullagh went there to protest? A. It may have been.

Q. I think you stated that the verbal protest was made by you and Captain McCullagh to Commissioners Meakin and Fitzpatrick? A. I think those two were present; I know Mr. Meakin was present.

Q. So you made no protest to Commissioner Koch? A. No; I think those were the two present at the time.

By Mr. IVINS:

Q. You made the protest to the board as a board, did you not? A. Yes, sir.

Q. Officially? A. I went there officially, yes.

CHARLES E. GILDERSLEEVE, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your business? A. I am special inspector of the board of excise.

Q. What is your age, Mr. Gildersleeve, if you do not object to telling? A. Not at all, sir; I am 62.

Q. How long have you been in the board of excise? A. Since March, 1887.

Q. What other places have you held in the board than special inspector? A. I was general inspector.

Q. What are the relations between the general inspector and the special inspector, officially? A. The general inspector has the supervision of the work, and issues his instructions to the specials and others.

Q. What is the salary of the general inspector? A. Eighteen hundred per annum.

Q. Was that the salary you did receive before? A. Yes, sir.

Q. What is your present salary? A. Fifteen hundred.

Q. Who is general inspector at present? A. Mr. Hirsch.

Q. When was he appointed? A. I think in July last.

Q. What work do you do as special inspector? A. The same essentially as when I was general inspector.

Q. You are doing essentially the same thing as when you were general inspector? A. Yes, sir.

Q. Do you notice any material change or difference in the work that you are now performing from the work that you performed as general inspector? A. No, sir.

Q. If Mr. Hirsch is a general inspeceor, what does he do? A. Well, now, I don't know what the instructions are that he receives from the commissioners; of course, I being a subordinate have no right to ask.

Q. Well, what does he do? A. What does he do?

Q. Yes. A. It would be impossible for me to say.

Q. Do you ever see him do anything? A. Yes, sir.

Q. What do you see him do? A. Well, he is in the office very frequently, in and out; examines the books.

Q. When you were general inspector you were there always, were you not? A. Yes, sir.

Q. And you were there frequently until late at night? A. Yes, sir; quite so.

Q. And now, although you are special inspector, performing the same duties that you did when you were general inspector, you still

are there every day are you not? A. They don't vary from what they did formerly.

Q. Mr. Hirsch, you say is there frequently? A. Yes, sir.

Q. Is he in there always? A. He is there every day to my knowledge; yes, sir.

Q. Through the business day or only for a little while? A. He is in and out from my desk, and floating around the office, performing various duties, I presume; what they are, of course, he don't communicate to me.

Q. Have you ever seen him perform any duty? A. Yes, sir.

Q. What? A. Occasionally taking a place to make an investigation.

Q. Acting as an inspector? A. Yes, sir.

Q. Did you, as general inspector, ever take a place to make an investigation. A. Often.

Q. In what cases would that happen, in what class of cases? A. Well, where I felt as though I wanted a little closer examination than possibly the inspector I detailed for the purpose had given me or could give me.

Q. You did not always rely then as general inspector upon the report of the inspector? A. Not always satisfied; I preferred to go myself sometimes and satisfy myself personally.

Q. It was necessary though to rely on the inspectors, as a rule? A. Yes, sir.

Q. Because if they were not reliable the whole system would go astray? A. Most assuredly.

Q. And is it not a fact that as far as the board of excise is concerned and the work of licensing generally, the inspectors are the foundation of the whole thing? A. The commissioners must rely mainly upon the inspectors; they can't make the inspections themselves, but I have known often times the commissioners to make personal inspections where they have not been perfectly satisfied with the report or desired further information.

Z. STILES ELY, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Where do you live? A. Twenty-six West Twenty-sixth street.

Q. What is your business? A. I am not in active business now; I was a merchant but I retired.

Q. Are you connected with the Wetmore Home for Fallen Women? A. I am president of the Wetmore Home for Fallen Women on Washington square.

Q. Do you know of a case in which the residents of Washington square and the officers of the Wetmore home protested against the licensing of a place of disreputable character in the neighborhood, which place was, nevertheless, licensed? A. I do.

Q. What was the name of the place and where was it located? A. It was on the southeast corner of Thompson street and Fourth, Washington square, a half a block away from the Wetmore home; it was a most notorious, disreputable, nasty place; proved to be by the detectives who went there at night; a most infamous place.

Q. Did you secure at one time the revocation of a license that had been granted to the same people, practically, and in the same place in that neighborhood? A. The Wetmore home made a complaint; with our attorney and others we fought it before the excise board, just before the present board came in, and after weeks or more, after two or three trials, it was revoked, the license, and it was closed again and when the present board went in at the same time or immediately after, a petition was circulated all around Washington square and nine-tenths fully of the residents protested against the opening of that place or any other on the square; and fully nineteen-twentieths, I think, of the property—perhaps ninety-nine-one-hundredths of the property owners protested against it, but in a few weeks that place was again opened there, against the protest of all the people and against the protest of this institution, against the protest of the university and the churches surrounding the square.

Q. You mean the University of the City of New York? A. I mean the University of the City of New York.

Q. The same place was licensed to another party? A. I presume it was licensed; it was open publicly.

Q. Running in the same way? A. Running in the same way.

Q. Just as much of a nuisance and annoyance to the community as ever? A. Yes, sir; and it shows evidence that the excise board is run in the interest of the saloon and not in the interests of orderly property holders around there.

Q. As far as this particular case is concerned? A. That case, and I may mention other cases of several kinds.

Q. Do you know the number of the place? A. I don't know the number; it is the southeast corner of Fourth and Thompson street; it is still running; girls and women got in there and girls destroyed; our attention was called to it.

Q. That is the character of the place, as a place in which girls and women went, where they went to the bad? A. Yes, sir.

Q. You do not know whether that was the fact or not, but that was its reputation? A. That was brought out in evidence; some of our own inmates first called attention to it; young girls that came into us.

Q. Some of the inmates of the home for friendless and fallen women? A. Yes, sir.

Q. Who had themselves been the sufferers? A. Who had themselves been the sufferers.

Q. Because of the existence of that place, and they called your attention to it? A. Then the detectives were sent there and examined it, and they found it was one of the vilest places that you can conceive of, the nastiest, dirtiest; can I say further that I have several times frequently called the attention of the excise board to the violation of the law in selling to minors, seeing little girls and boys coming out.

By Senator FASSETT:

Q. Was that recently? A. I got tired; not recently.

Q. How recently? A. Perhaps a year ago.

Q. Since the board went in? A. I think not since the present board; but it is notorious that nine-tenths of the saloons are constantly violating the law of selling to minors; you see the children go in with their pails and come out with their pails with liquor in and beer.

By Mr. LEVENTRITT:

Q. Do you know, Mr. Ely, whether the place in running now, under the same management that it did a year ago or so? A. I do not.

Q. Was there a trial before the present board of the protest that you say the property owners had subscribed? A. The protest was signed by Chancellor McCracken; we had it circulated and got signatures; it was drawn up by Chancellor McCracken of the university and sent to the excise board.

Q. Do you know what became of it; do you know whether there was a trial had before the excise board or not on that complaint or protest? A. There was a trial in the first instance.

Q. Are you confident that this protest arose during the existence of the present board of excise; was not that matter before the preceding board? A. I think it was sent in just preceding the present board.

Q. You have no knowledge, then, that the present board has become acquainted with the situation in reference to that at all? A. No, sir.

The committee at this point took a recess.

AFTERNOON SESSION.

DAVID HIRSCH, called as a witness, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Hirsch, where do you reside? A. Four hundred and twenty East Eighty-fifth street.

Q. What is your business? A. General inspector of the excise board.

Q. What was your business before you became general inspector of the excise board? A. I was a clerk in Steckler's law office.

Q. Steckler's law office? A. Steckler & Steckler's law office, 47 and 49 Centre street.

Q. What Steckler? A. Charles Steckler.

Q. Who were the two members of that firm? A. Charles and Alfred.

Q. Charles and Alfred Steckler? A. Yes, sir.

Q. Alfred Steckler is Judge Steckler? A. Yes, sir.

Q. Do you belong to the Steckler Association? A. Yes, sir.

Q. Does the Steckler Association publish a list of its membership? A. I do not think they do.

Q. How long had you been a law clerk in Steckler's office? A. Five years.

Q. Are you admitted to the bar? A. No, sir.

Q. How long have you been in the excise department? A. Ten months.

Q. Who appointed you? A. My former employer.

Q. Your former employer appointed you? A. Had me appointed.

Q. Got you appointed? A. Yes, sir.

Q. Which Steckler; Alfred Steckler or Charles Steckler? A. Charles Steckler.

Q. Are you a member of Tammany Hall general committee? A. Yes, sir.

Q. How long have you been a member of the Tammany Hall general committee? A. A few years.

Q. Will you describe to the committee the duties of your office? A. Yes, sir; I receive the complaints from Mr. Bishop, our secretary; also the complaints from Mr. Duncan, our chief inspector.

Q. What do you do with them after you receive them? A. I divide them between Mr. Verhoeven, Mr. Gildersleeve and myself.

Q. What do you do with those you keep yourself? A. I investigate those.

Q. Do you supervise the reports of other inspectors? A. Supervise only those reports of those names I just mentioned — Mr. Gildersleeve and Verhoeven.

Q. You don't supervise Mr. Gildersleeve's and Mr. Verhoeven's reports, do you? A. What I mean by that — they go out and get the reports; they hand them to me and I report them through the secretary.

Q. What do you do to them after they are handed to you? A. hand them over to the secretary.

Q. Hand them right over? A. And the secretary hands them to the commissioner, and then I await the action of the board.

By Mr. IVINS:

Q. And then you await the action of the board? A. Yes, sir.

Q. What do you do after you have awaited the action of the board? A. Mr. Gildersleeve enters them on the book.

Q. Then what happens next? A. That is all — get the evidence.

By Senator FASSETT:

Q. Don't you read these reports when they are handed to you? A. Yes, sir.

Q. Write any recommendations in reference to them? A. I read them and then we refer them to our secretary.

Q. You do not make any comments on them? A. No, sir.

Q. Mark them with blue or red lead pencil, or anything? A. No, sir.

By Mr. IVINS:

Q. You investigate these complaints yourself? A. Yes, sir; some of them; I am there all day.

Q. How many complaints have you investigated since you have been general inspector? A. I do not know the number; I couldn't tell the number.

Q. A dozen? A. More than that, I guess.

Q. Twenty-five? A. More than that.

Q. One a day? A. More than that, I guess.

Q. More than one a day? A. My executive — I have to be there from nine to four.

Q. You have to be there from nine to four? A. Yes, sir; I have to stay there to receive the complaints; I haven't much time to go out.

Q. Then it takes all your time to receive the complaints and divide them between Mr. Gildersleeve and the other gentleman and yourself? A. Yes, sir.

Q. When do you investigate the complaints that you take for yourself? A. I go after 4 o'clock — after business hours.

Q. Now, do you think you have investigated such complaints as you

have taken for yourself, and where you have made the investigation after business hours, as many as one a day? A. Yes, sir; many times.

Q. These complaints are only in cases where licenses have been issued and a complaint is made against the licensee? A. No, sir; they are not those complaints.

Q. What complaints are they? A. Complaints we receive from the public, or saloons change hands, or we hear of a grocery store that is selling without a license, or a drug store.

Q. Are these all of the duties of the general inspector? A. That is all I know of.

Q. Are you responsible in any way for the work of the other forty-nine inspectors? A. No, sir.

Q. Do you examine the reports of the other forty-nine inspectors? A. No, sir.

Q. Do you assign the other forty-nine inspectors to their precincts? A. No, sir.

Q. Do you exercise any direction or control over them all? A. No, sir.

Q. You get $1,800 a year? A. Yes, sir.

Q. Mr. Gildersleeve does all the work that he used to do as general inspector? A. He don't do it all; he gets it from me; he don't do all the work.

Q. That he used to do as general inspector? A. He was general inspector before I got there.

Q. Was the work of the general inspector during that time different from the work of the general inspector now; so far as you know? A. Not as I know of.

By Mr. LEVENBTITT:

Q. Have you received numerous complaints with reference to beer bottlers selling without a license? A. Yes, sir.

Q. Have you made it your business to investigate that branch of the violation? A. Yes, sir; since I have been there over fifty beer bottlers have taken out licenses—since I have been in charge.

Q. That resulted from your labors in that direction? A. Yes, sir.

Q. Have you stated all the services you perform in the office that you hold there? A. There is a good deal more what I can say there.

Q. Of what does that good deal more consist? A. For instance I go out on an investigation—change of saloon, and I find Mr. Connors had a saloon and Connors sold it; I have to look for Mr. Connors and see if he has any interest or not; sometimes it takes a couple of days to find Connors; then, the bartenders say they don't know where he

is, and then I return and find Mr. Williams is the owner, and report that to the secretary, and Williams comes up to the board and takes out a license.

Q. Did you reserve for yourself the complicated and intricate cases; was that your practice? A. No, sir.

Q. You took them at random, as they came? A. Yes, sir.

Q. And did you divide them up equally between yourself and the other two gentlemen you have named? A. Yes, sir.

By Mr. IVINS:

Q. Do you remember any particular case where you have made an investigation as to the change of ownership? A. Yes, sir.

Q. Just name it? A. One, 176 Allen street.

Q. That is enough; now, who was the former licensee in that case? A. I forget the name now; Mr. Krause has taken out a license there; I guess it is in the book there.

Q. Krause has taken out a license? A. Yes, sir.

Q. He was the new licensee? A. Yes, sir.

Q. Was there a bill of sale from the old licensee to Krause? A. I didn't see any bill of sale.

Q. Never saw any? A. No, sir.

Q. What steps did you take to find out whether Krause was the bona fide purchaser of the bill of sale? A. I went there and found that the former owner wasn't the proprietor of that place.

Q. Who did you find that out from? A. The bartender, and then the bartender told me that the party has moved away, and he don't know where he is, and I informed Krause to come and take his license out; he immediately came — the next day — and took his license.

Q. Did you take any steps to find out whether Mr. Krause was the owner? A. Mr. Krause told me he was.

Q. Did you take any steps other than that? A. No, sir; that was sufficient for me.

Q. How long have you known Mr. Krause? A. I do not know him at all; I do not know him, except that he lived —

Q. How many cases of this kind have you investigated? A. There is one in 91 Sheriff street.

Q. You seem to have a pretty good memory? A. I have, in this case.

Q. What other one is there besides that? A. One in Broadway.

Q. Yes; and what other one? A. One in Park Row.

Q. Any other? A. Some up town; I couldn't just tell.

Q. How many — four or five? A. More than that; yes, sir.

Q. Ten? A. About that.

Q. Well, then, fifteen or twenty is as many cases of that kind as you have investigated, is it? A. Oh, no; then there are some other cases which come under drug stores, where I have to go after them, when we receive a letter that they are selling.

Q. Is the work in your department very hard? A. I do; I do my duty.

Q. No; is the work there very hard? A. What is required from me, I do.

Q. Who fixes your duties there — what you are to do? A. I guess the secretary, Mr. Bishop.

Q. Who else? A. The commissioners send me out to investigate the different parts of the city there.

Q. Tell us an instance in which any commissioners have sent you out to investigate parts of the city? A. I couldn't remember just now.

Q. Notwithstanding the fact that your memory is pretty good? A. My memory is good.

Q. But you can not remember now? A. The president sent me up town to an oyster saloon that sold beer without a license; I went there and got the evidence; they took out the license the next day.

Q. Do you remember any other case? A. I remember a case on Park Row — the president sent me.

Q. Is it part of the duties of the general inspector or the inspectors to compel places which are selling without a license to take out a license? A. Those places like drug stores, which come under me and restaurants and that sort.

Q. What do you mean by saying drug stores which come under you? A. Drug stores; I mean that they sell without a license; they have to have the license — grocery stores, liquor saloons — they generally have licenses.

Q. Do you understand it is part of the duty of the excise board to see that unlicensed places take out licenses? A. Yes, sir.

Q. You do? A. Those that come under my heading; I don't know about anything else.

By Senator Fassett:

Q. Those are grocery stores and drug stores? A. Grocery stores and drug stores — saloons.

Q. Saloons?

Mr. Leventritt.— Beer bottlers.

The Witness.— Beer bottlers.

By Mr. IVINS:

Q. How did this beer bottling business come to fall under your jurisdiction, do you know? A. Only I can say it comes under my head, because they have no license, and then we go after them; Mr. Verhoeven can give you information.

Q. Who is that? A. Mr. Verhoeven.

By Senator FASSETT:

Q. Isn't it a new law that it is part of the excise commissioners duty to make places that are selling without a license, take out a license? A. What is that?

Q. That is a new law, isn't it, that it is part of the excise commissioners duty to make parties that are selling without a license, take out one? A. That is no new law.

Q. That is where you apply to the old law? A. Yes, sir; get the evidence.

GEORGE H. GALE, recalled:

By Mr. IVINS:

Q. Mr. Gale, will you please tell this committee the history from the records which you have in your hands, of the revocation of the license against which complaint was made, as testified to by Mr. Ely, and the granting of the new license for the same place? A. I find that on November 14, 1888, the license was issued to John F. Doyle, for premises 58 South Washington square — a renewal of the license to the same party; I find on file with the papers, a letter dated November 1, 1888:

To the Honorable Board of Excise Commissioners:

GENTLEMEN.— I wish to call your attention to the liquor saloon on the southeast corner of South Washington square (Fourth street) and Thompson street, kept by J. F. Doyle. It is kept open all night, and is the resort of the lowest classes of prostitutes, both black and white, in the fifteenth precinct. As I see it is of no use of complaining to the captain of the precinct, I thought it my duty to notify your honorable board of this vile resort. Hoping your honorable board will attend to this place, I remain,

Respectfully yours.

A. S. WALTER,

Inmate of Wetmore Home for Friendless Girls, No. 48 South Washington square, New York.

Q. That is a letter from a woman, is it? A. There is no means of telling; it is signed A. S. Walker; I find it is stamped by the stamp of the secretary, "board of excise; received November 1, 1888;" I find a note, "C. H. W., December 2, 1888;" the initials, "J. V. G."

Q. What does that mean — Von Glahn? A. Commissioner Von Glahn; I find in blue lead pencil "Verhoeven; get report; W. S. A."

Q. W. S. A. is W. S. Andrews? A. Yes, sir; I find a note at the bottom, "received by P. V., March 6, 1889;" that is Peter Verhoeven; the reports I find here are quite long in regard to the character of the place.

Q. By whom are the reports signed? A. They are signed March 9, 1889.

Q. By whom are they signed? A. They are signed — Peter Verhoeven signs one; also, the second is signed Cornelius W. Ackerman, John Boyd.

Q. Read those reports? A. Referring to John F. Doyle, 58 South Washington square; license, Class 3, expires November 23, 1889; in connection with accompanying complaint, I visited the Wetmore Home for Friendless Girls, 49 and 50 South Washington square; nobody of the name of A. S. Walter is known there; I also visited Z. S. Ely, 26 West Twenty-sixth, president, and G. C. Wetmore, 17 West Tenth, secretary of said home; they told me that A. S. Walter was probably a girl that was an inmate of the home about November 1, 1888; they expressed themselves in a general way of having heard that Doyle's place was disreputable, and hoped that the board would be able to break the place up; respectfully submitted, P. Verhoeven, inspector.

Referring to John F. Doyle, southeast corner Forty-fourth street and Thompson street, March 8, 1889; character license, Class 3; expires November 23, 1889; we visited above on March 7, 1889; remained from 11 P. M. to 1.20 A. M.; found place nasty, vile; about ten women in place; we treated six; found eight in room about eight by ten, in rear of saloon; bartender named Foster encouraged women to drink, calling them by name, etc.; conversation very vile; bartender well built; light-complexioned, good looking, light moustached man; was busy at 1 A. M. measuring three of these women's limbs, thighs and private parts; he also exposed private part of body to women, and was showing them up; he was assisted in all this by slender, dark-complexioned, small, dark-moustached man, named Jimmy Wilson; a woman named Maggie Wilson offered to take Boyd and Ackerman home to room for the night, corner Third street and McDougall, for twenty-five cents; the women Maggie and Mollie, and

a middle-aged stout woman, run us up into a private room about six feet square, front of saloon, front of bar; the women who frequent this place are very common.

At 12.45 A. M. we treated six women and ourselves; whiskies; forty cents; place open and the women informed us the place remains open all night; never closes; and the night bartender goes off when Doyle comes on at 9 A. M. Total cost above, two dollars and twenty cents.

Respectfully.

CORNELIUS W. ACKERMAN.
JOHN BOYD.

Sworn to before me, this 8th day of March, 1889.

P. VERHOEVEN,
Commissioner of Deeds.

The third report is: John F. Doyle, March 9, 1889. We visited above place on March 8, 1889, about 11.30 P. M. Remained in and about the place until 2 A. M. March 9, 1889. When we went in, there were three women and one man drinking in a side room. In an adjoining room there were seven women, two of them were asleep, with their heads lying on the table. While we were in one of the rooms, two women joined us, and soon after three others came; we treated all of them twice; entered into conversation with them.

We heard much profane and lewd language. Two of the girls named Annie Hynes and Mary Lownes, offered to take us to 36 West Third street, and remain with us all night for one dollar each. In our opinion the house is of a very low character, and visited by vulgar and degraded persons of both sexes.

Respectfully submitted.

THOMAS FERRIS.
WM. H. SHIELDS.

Sworn to before me, this 9th day of March, 1889.

P. VERHOEVEN,
Commissioner of Deeds.

Q. Who is Thomas Ferris? A. Thomas Ferris is the steamboat roundsman of the board.

Q. He is a police officer? A. I believe he was formerly connected with the police department.

Q. He is now pension police officer? A. Yes, sir.

Q. And in the employ of this board? A. Yes, sir.

Q. What followed that? A. I next found that the case was set down for hearing, and the licensee was summoned to show cause why his license should not be revoked, on the ground that the place was disorderly; hearing was set for March 25, 1889; I find the subpœna here which was to be served on A. S. Walter, with the following note: "A. S. Walter, 48 South Washington Square; having made a search for A. S. Walter, at 48 South Washington Square, I was informed that there is no such party living there, neither is he known to them. Respectfully yours, J. Harford, Inspector." The case was set down and hearing had on March twenty-fifth, and license revoked; I find the report of the inspector: "U. F. Doyle, 58 South Washington Square;" I called at the above number for license revoked by the board; the bartender refused to give it to me, the boss not being in; he said he would bring it here when the boss came in; on March 29, 1889, J. F. Doyle, having made a special inspection in this case, as directed, I hereby report that, I called at above place at 10 A. M. this day; the licensee was not in, and the bartender refused to give up the license as asked to do by me, by order of this board; respectfully, R. Van Baar, inspector; on March fifteenth, a police report was sent for on the place.

Q. Read that: A. [Witness reads the report of John J. Brogan, captain of fifteenth precinct, *in re* John F. Doyle, 58 South Washington square.]

Q. What followed that? A. On April 22, 1889, an application was made for that place by Michael Ward; it was reported by Inspector P. J. Moriarty, on May 6, 1889, which reports that the former license was revoked March 28, 1889; name of former licensee at this place, John F. Doyle, whose license was revoked by board March 28, 1889; former licensee was arrested and committed for examination; a protest has been made against licensing any place in West Washington square by the University of the City of New York; the license of John F. Doyle was revoked on complaint from police department; P. J. Moriarty, inspector; that application was received on May 6, 1889; it was approved on the filing of a bill of sale from John F. Doyle to Michael Ward, issued on May 15, 1889.

Q. From John F. Doyle to Michael Ward? A. Yes, sir.

By Senator FASSETT:

Q. Any report on Michael Ward? A. No, sir; I will state that this is one of the first papers acted on by the new board, and the paper was filed in the office the second day after the new commissioners came in office.

By Mr. IVINS:

Q. Was that the entire history of the case? A. It appears to be; the request was granted on May 14, 1890; license issued May 19, 1890.

Q. Who voted for the license? A. Commissioners Couch and Fitzpatrick.

Q. That is the whole history of that case, is it? A. It appears to be from the record; yes, sir.

By Senator FASSETT:

Q. Is there anything in the case that you know of that does not appear in the record? A. There appears to have been an omission on the part of some employe in the office to note on that first application of Michael Ward which was granted last year, referring to the application of John F. Doyle — it was always customary in each application to note on that application any previous application.

By Mr. IVINS:

Q. Whose fault would that omission be? A. At that time, I wouldn't state; the paper doesn't appear to have been checked at all, as it is customary in all cases to have some one check that paper so that the mistake can immediately be brought home to the party.

Q. As a rule, would the secretary of the board, or the commissioners themselves, discover the absence of the check if they looked over the papers before acting? A. At the time this paper was granted, the rule had not been established that papers must be checked by one of the employes.

Q. Was there any protest filed against the granting of a new license for the same place? A. There was not.

Q. Have you any knowledge of any complaint or protest such as was described by Mr. Ely, saying it represented a large proportion of the property owners in the district or neighborhood? A. My recollection is, there is a protest on file in the department against the license of any new places in that neighborhood.

SAMUEL RAUCH, called as a witness, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Rauch, where do you live? A. Two hundred and forty East Houston.

Q. What is your business? A. I am an inspector of excise.

Q. In the excise board? A. Yes, sir.

Q. How long have you been such inspector? A. Nearly eleven months.

Q. You were appointed by the new board? A. Yes, sir.

Q. On whose application were you appointed? A. Mr. Steckler.

Q. Do you live in Mr. Steckler's district? A. Yes, sir.

Q. Are you a member of the Tammany Hall general committee? A. Yes, sir.

Q. How long have you been a member of the Tammany Hall general committee? A. Four or five years.

Q. Are you a member of the Steckler Association? A. Yes, sir.

Q. How long have you been a member of that association? A. Four or five years.

Q. Have you ever held any other office? A. Yes, sir.

Q. What? A. Deputy collector here for the United States internal revenue.

Q. When did you cease to hold that office? A. First of July, last year.

Q. In what district was that? A. The third collection district.

Q. Who was collector for that district? A. Leonard A. Giegerich.

Q. The present Judge Giegerich? A. Yes, sir.

Q. What was your business before that? A. I was in the ball-room.

Q. What? A. I was in the ball-room — acted as an officer in Webster Hall.

Q. Officer in a ball-room? A. Yes, sir.

Q. Webster Hall? A. Yes, sir.

Q. What is Webster Hall? A. Place where societies go — societies go there and hold fairs and hold festivities, etc.

Q. It isn't what is known as a concert hall? A. No, sir; simply a ball-room and lecture-room.

Q. For private entertainments? A. Yes, sir.

Q. How long had you been in charge of that ball-room? A. Two years.

Q. What was your business before that? A. Clerk in the post-office — general post-office.

Q. Under whose administration of the post-office? A. Henry A. Pearson.

Q. What were you at that time, a Democrat or Republican? A. I wasn't engaged in politics at all.

Q. What party ticket did you generally vote? A. Any ticket that I thought was best; I used my own judgment.

Q. You are now a member of the Tammany Hall party, are you not? A. Yes, sir.

Q. Not so independent as you used to be? A. I believe in the principles of the Democratic party now.

Q. As represented by Tammany Hall? A. Yes, sir.

Q. Do you attribute your connection with the excise board as due to the fact that you believe in those principles? A. No, sir.

Q. What do you attribute your place in the excise board to? A. Well, I went and made application for — filled out the blanks and was examined.

Q. Who examined you? A. I was examined in the Temple Court building — I was notified to appear — I forget the number of the room at Temple Court; I was there and was examined.

Q. Were there any other persons notified to appear and be examined at the same time, for the same place? A. Not at the same time, sir.

Q. Nor for the same place? A. No, sir.

Q. So that your examination wasn't competitive? A. At that time, no.

Q. What kind of examination did you submit to there? A. Well, general knowledge of city, and excise business, or what my former business was — somewhat similar to the duties of the excise inspector.

Q. Had to submit yourself to a test in handwriting? A. Yes, sir.

Q. In ciphering or figuring? A. Yes, sir.

Q. In the geography of the city? A. Yes, sir.

Q. In grammer? A. I had to write out certain things.

Q. Had to write out certain dictations which were read to you, or dictated to you? A. Yes, sir.

Q. So as to compare that with the original and see how accurately you had done it? A. Yes, sir.

Q. Are the reports from that board of examiners on a graduated scale? A. I do not know, sir.

Q. You do not know how they reported on you? A. No, sir.

Q. You do not know whether they reported you as being 100 per cent good or ninety per cent good? A. No, sir; I received information that I had successfully passed the examination.

Q. How long was it after your application went in before you got the place? A. Well, I think it was over three months.

Q. Have you any knowledge of anybody's having been appointed to a place in that board, who wasn't a member of Tammany Hall since the new commission came in; do you know of any such person? A. Yes, sir.

Q. Who? A. I think Mr. Simons.

Q. Mr. Simons? A. Yes, sir; Inspector Simons.

Q. He is an inspector? A. Yes, sir.

Q. What is he? A. I do not know exactly; I know he don't belong to our organization — Tammany Hall — he told me so himself.

Q. Do you know of any other instance? A. No; I haven't made any inquiries.

Q. Do you know of any case where the application was approved by the commissioners and forwarded to Albany and then came down to the civil service examiners, where an appointment did not follow? A. No, sir; I haven't made inquiries.

Q. You haven't heard of any such case? A. I haven't heard of any.

Q. There is no rumor of any such things in the department? A. No, sir; I have not heard of any.

Q. Now, do you know where The Mart is? A. Mart.

Q. The place called The Mart? A. Yes, sir.

Q. Where is it? A. It is in Thirteenth street, two or three doors from Third avenue.

Q. Did you inspect The Mart? A. No, sir.

Q. Do you know Jacob Blank's place? A. Yes, sir.

Q. You inspected that, did you? A. Yes, sir.

Q. That is 100 Third avenue? A. Yes, sir.

Q. Do you know John J. Murphy's place? A. Yes, sir.

Q. Sixty-nine Third avenue? A. Yes, sir.

Q. Did you hear Inspector Williams testify this morning with regard to Murphy's place? A. Yes, sir.

Q. Now, I find by looking at the papers on file in the office of the excise board that you reported on Murphy's place? A. Yes, sir.

Q. This was a new license for a new place, wasn't it? A. Yes, sir.

Q. I find that you say "upon diligent inquiry, I find the moral character and general reputation of the applicant, Murphy, to be good;" now, tell us what inquiry you made, and of whom you made it? A. Well, the first time I visited the place it was closed — couldn't find the party; I went next door and asked about him, and they stated the place has been closed very nearly three months and they did not know who the new applicant was, and I couldn't find out anything that day; next day I went there and found Mr. Murphy there; he answered all my questions favorably, and I so reported.

Q. That is the only investigation you made with regard to his character? A. I couldn't find out anything else; nobody knew him in that neighborhood.

Q. Why didn't you say nobody knew him and you had nothing to certify to his character, except Mr. Murphy himself? A. As long as I don't know anything against the man, I didn't think I could say anything against him.

Q. How long did you take in trying to find out some one who knew him? A. I went there, both sides — both neighboring houses and inquired if they knew such a party; they didn't know that the place had been closed, and they didn't know who the applicant was.

Q. Did you make any inquiry of any police officer? A. No, sir.

Q. Didn't go to the police captain? A. No, sir.

Q. Or sergeant, or any one? A. No, sir.

Q. Simply went to Mr. Murphy? A. I inquired at one time of a police officer who had charge of that precinct.

Q. What did you ask Mr. Murphy about his moral character? A. I asked him if he had ever been arrested before in the liquor business, or ever been arrested, etc., and he answered all those questions favorably.

Q. Did you ask him to refer you to somebody who could tell you about him? A. No, sir.

Q. Wouldn't that have been a very easy way to get at somebody who knew him? A. I suppose if I had asked him that, he would recommend me to some one of his friends; same thing.

Q. So if he did, it would have been the same thing? A. Yes, sir.

Q. So that it would not have been much good? A. I do not think it would.

Q. But you think his own testimony in his own behalf as to general character and moral reputation was good enough to authorize you to report to your superior officer that he had good moral character? A. I did not know anything contrary, and I have to judge a man respectable —

Q. Have you ever received any instructions that you are to report that the moral character and general reputation is good in these cases where you can find out nothing about the man? A. I am to report everything what I can find out.

Q. Did you report all you found out? A. Yes, sir.

Q. Did you report you could find out nothing? A. I reported that all I could find out was favorable.

Q. You reported to the board at that time: "I find the moral character and general reputation to be good." A. Being as I couldn't find out anything against the man; I thought it would be proper to certify to that effect.

Q. Is that your judgment as to what the duty of an inspector of excise in this city is, and that that specifies the duty? A. Certain cases where is a new place and can not find out anything about the man — the place had been closed for two or three months.

Q. Is it your judgment that where you can not find out anything about a man, you are compelled to report that his general reputation and moral character is good? A. Yes.

Q. That is the way you understand your duty? A. Not in all.

By Senator FASSETT:

Q. On negative information you make a positive report? A. Not knowing anything against him.

Q. Not knowing anything against him you say positively that the applicant is of good moral character and general reputation. A. He answered everything satisfactorily.

By Mr. IVINS:

Q. Have you ever realized that if you make a report of that kind your superior officer being obliged to rely upon it, may grant a license and it may result in the establishing of a disorderly house, and in the intervention of an inspector of police for the purpose of putting an end to the wrong which you had started by such a report; have you ever thought of that? A. No, sir.

Q. Have you ever been instructed in your duties as an inspector? A. I have read the rules and regulations regarding the excise laws.

Q. Now, is there any rule and regulations in conformity with which you would consider yourself obligated to report, if you inquired of an ex-assistant of Mr. Billy McGlory, and he told you that his character was good? A. I did not inquire of anybody.

Q. You didn't inquire of anybody? A. Only the neighbors there.

Q. Is there any regulation of the board, which — suppose you have such a case, you have got to report a man good? A. No, sir.

Q. Now, has the general inspector ever instructed you in your duties? A. No, sir.

Q. Have the commissioners ever instructed you in your duties? A. No, sir.

Q. Then you have been left to find out your duty as best you could from the general regulations and your own judgment? A. Yes, sir.

Q. And this is the best of your judgment? A. Yes, sir.

Q. Now, do you know Jacob Blank's place? A. Yes, sir.

Q. I find that you inspected Jacob Blank's place on the 2d of December, 1889? A. Yes, sir.

Q. And that you report "I find the moral character and general reputation of the applicant to be good?" A. Yes, sir.

Q. Have you ever been in Blank's place? A. Yes, sir.

Q. Tell us what kind of place it is? A. It is a concert hall where the people of the east side — respectable German people go there to spend an evening, or they have a holiday, or afternoon there.

Q. Any other kind, besides respectable people? A. I do not know of any.

Q. Did you hear Inspector Williams testify? A. Yes, sir.

Q. Did you hear him testify as to the reputation of the place? A. I did not exactly hear everything he said.

Q. If he had said it was a place that had a reputation of being visited not only by respectable people but by people who were not respectable, would you say he wasn't right? A. The class of people who patronize it patronize all places of amusement.

Q. Now, how many times did you go to Blank's before you signed this report? A. Ten or fifteen times.

Q. Ten or fifteen times? A. Yes, sir.

Q. Why did you find it necessary to go to Blank's so many times? A. It is in the neighborhood I live; I go there occasionally, and spend an evening.

Q. Then you knew all about it? A. Yes, sir

Q. Do you take your wife there? A. No, sir; I have no wife.

Q. Take your sisters there? A. No, sir.

Q. Have you any sisters? A. No, sir.

Q. Mother living? A. No, sir.

Q. You are not incumbered with female acquaintances? A. [Not answered.]

Q. Have you ever been in there after midnight? A. No, sir.

Q. Have you ever seen anything going on there which would be an offense to you personally? A. No, sir.

Q. How long have you known Mr. Blank? A. Personally?

Q. Yes. A. Oh, not very long; I have known him —

Q. Blank is a political friend of yours, isn't he? A. No, sir.

Q. He isn't? A. No, sir.

Q. You have never had any political talk with Mr. Blank in any way? A. No, sir.

Q. Now, how many times did you go there for the purpose of making that inspection? A. I went there once.

Q. Only once? A. Yes, sir.

Q. What did you do when you went there on that occasion? A. I looked around the premises, examined his concert license, and he was sick at the time in bed, and I had to go upstairs to ask him a few questions.

Q. What did you ask him about—his moral character? A. I had been in the neighborhood all my life-time; I know that the gentleman has been always highly respected by everybody, and been there for twenty-five years; he has got still the same license in his name.

Q. Has he had a concert license during all this time there? A. He has; yes, sir; a concert license.

Q. Did you ask anyone about his general reputation? A. No, sir;

only my friends, people living in the neighborhood; also, same as I did.

Q. You made that report then on your own general knowledge as being a part of the neighborhood, yourself? A. Yes, sir.

Q. On the twenty-first of April, you reported on Frederick Rouse's place, 311 Bowery? A. Yes, sir.

Q. How long have you known that place? A. Not very long.

Q. What inspection did you make of it? A. I went in the place and looked around — seen if there is any music, piano, or anything of that kind; looked all through the place; found it was a saloon; there was no partition or anything there — a few tables and chairs; that is all.

Q. Did you know Philip Opp? A. No, sir.

Q. Did you ever hear of Philip Opp? A. No, sir.

Q. You have heard of Philip Opp as the prior owner — former licensee? A. I was informed that he had the license before I was in the excise board?

Q. Did you ever hear of the place having a bad reputation during Mr. Opp's term? A. No, sir.

Q. Did you make any inquiries as to the reputation of the place during Mr. Opp's term? A. No, sir.

Q. Did you hear Inspector Williams testify this morning, that during Opp's term that place had a notoriously bad reputation? A. No, sir.

Q. If he so testified, you would believe it to be the fact, wouldn't you? A. Yes, sir.

Q. Did you make any inquiry of any police officer as to the character of the place? A. No, sir.

Q. Did you make any inquiry of any neighbors? A. No, sir; both on each side is a liquor store in the place; there is a saloon on each side of it; I didn't think of going in there.

Q. How long did it take you to make that inspection? A. Well, about an hour; half an hour — three-quarters of an hour.

Q. How long did it take you to make out that report? A. About half an hour; I had to look over the records to see if there were any arrests — look over the files and see if there was anything against the place.

Q. I find that this blank contains eighty-nine words, written in by you? A. There is a diagram on the back.

Q. I find that on the diagram on the back you have got the names or numbers of four streets, and the location of seven places; now,

that, you say, took you an hour to do — half an hour? A. Yes, sir; have to look over the map and get the diagram.

Q. Sure you can make one of these out in a half an hour? A. Sometimes; we have to look through the arrests, etc., and find out all you can, if there is anything.

Q. What is the average time it has taken you to make inspections since you have been inspector? A. Can not very well tell; sometimes you go to a place three or four times before you find the applicant.

Q. Yes; but if you find the applicant in, you can do it up in an hour, can not you? A. Yes, sir.

Q. In the way in which you do it? A. Yes, sir.

Q. And you can make a report in half an hour? A. Yes, sir.

Q. Then you would have no trouble, would you, in making five or six inspections a day, provided you were required to do so? A. That is, if I find the parties in, though I won't usually.

Senator FASSETT.— Of course, if you had to wait three days to find the party in, it would take three days to make the report.

Q. Suppose you had thirty reports in a week, which would be an average of five a day; if you did not find one to-day, you would find him to-morrow — could you make thirty reports in the course of a week, without difficulty? A. I do not know; I do not think I could.

Senator FASSETT.—What is the greatest number of reports he ever made in one day, or a week?

Q. What is the greatest number of reports you ever did make in a week? A. About eighteen or twenty.

Q. Did you ask Mr. Rouse for any references? A. No, sir.

Q. Why didn't you ask him for a reference? A. Because he had been licensed there before, and there was nothing on record against him.

Q. What makes you say that he had been licensed before; it appears from this report — A. Last year he had a license.

Q. You are right about that; he had a license the year before? A. Yes, sir.

Q. That, you think, is justification for not giving a reference? A. Yes, sir.

Q. You didn't make the report the year before? A. No, sir.

Q. Did you take that into consideration? A. No, sir.

Q. You did not take it into consideration that the prior inspector might not have fully done his duty? A. No, sir.

Q. But you relied upon the fact that he had done his duty as he ought to have done it? A. Yes, sir.

Q. Took that for granted? A. Yes, sir.

Q. And in that way absolved yourself from making as full an investigation as you ordinarily would? A. I looked into the records and everything, and I found nothing against the place.

Q. Now, tell us everything that you did for the sake of finding nothing against the place? A. I examined the police reports there for the last three years.

Q. Did you find any? A. No, sir.

Q. Then you did not examine any? A. I examined all the arrests that were made in the whole precinct.

Q. In the whole precinct? A. Yes, sir; to find whether there was anything against this place.

Q. These notices are kept in alphabetical lists, in such a way that you can refer to them readily? A. No, sir; they are put in every week as we come to file them; they are all mixed up.

Q. Aren't they filed in some way so that you can turn to the name of the person? A. No, sir.

Q. Do you know how many saloons there are in that precinct? A. Yes, sir.

Q. How many? A. There are 542 licensed places.

Q. Then you had to go through 1,542— A. They were not all arrested; only the arrests.

Q. How many reports of arrests were there in that precinct? A. For the last two or three years — well, there may be over a thousand.

Q. Over a thousand? A. I don't know.

Q. So that you had to look over a thousand? A. Some places I know that was arrested.

By Senator Fassett:

Q. How large a document is the report of the lists? A. They are blanks filled out every week.

Q. And not filed in alphabetical order? A. No, sir.

Q. You have a very systematic arrangement for your papers down there? A. They are sent over from police headquarters and we file them in that way.

Q. What would be the difficulty in filing them alphabetically? A. They are just as they came over.

Q. Can not you file them alphabetically every week? A. Haven't the blanks.

Q. You have a file; it is easy enough.

By Mr. Ivins:

Q. You mean to say you examined a map, look through the records, ran through a thousand reports, wrote these whole eighty-nine words

and drew this diagram in a half an hour? A. May have been three-quarters; I do not know.

Q. That would be pretty quick work, wouldn't it? A. I do not know.

Q. Unless you did not examine the records very carefully? A. Oh, yes; I have got to look at the number of the house, and I can find that out very readily by looking at the numbers.

Q. Did you find anybody who said that Mr. Frederick Rouse's reputation was good? A. I never heard anything against the gentleman.

Q. Did you find anybody who said his reputation was good? A. I didn't inquire of anybody.

Q. Did you find any one who said his moral character was good? A. No, sir.

Q. So you reported good, because you did not hear it was bad; is that it? A. I had nothing against the character of the gentleman and I couldn't report otherwise.

Q. You examined William Lythe's place? A. Yes, sir.

Q. Two hundred and thirty-two West Eighteenth street? A. No, sir; 208 East Houston.

Q. The other appears to be his residence — 208 East Houston? A. Yes.

Q. How long have you known William Lythe? A. I haven't known him only from going to see him about this report.

Q. He was a new party? A. New party.

Q. The former licensee had been Emil Schwab; did you see Emil Schwab? A. No, sir.

Q. You did not see him? A. No, sir.

Q. Did it strike you that Emil Schwab would be a proper person to inquire of concerning William Lythe? A. No, sir.

Q. Did you see William Lythe? A. Yes, sir.

Q. How long did it take you to make that inspection? A. Half an hour or so.

Q. Half an hour or so to make the inspection? A. Yes, sir.

Q. Now, how long did it take you to make the report? A. same time.

Q. This appears to be about equally voluminous with the other? A. Yes, sir.

Q. Did you ask William Lythe for a reference? A. No, sir.

Q. Did you ask any of Lythe's neighbors what his character was, or reputation? A. Being a new party — the man hiring the premises — there was a good deal resulted on his application — nobody seemed to know him.

Q. Nobody seemed to know him? A. No, sir.

Q. Then did you take it for granted, too, that a man who nobody seemed to know — that that was evidence of his good character, or evidence that might not have a character at all? A. To the best of my judgment, that is about all.

Q. That is about all; so that the more information a man has the better chance he would have of getting a favorable report on his character? A. That don't apply; there are records there at the office that may be examined if he had been licensed before or not.

Q. But this party wasn't licensed before? A. No, sir.

Q. It was a new party — unknown? A. Unknown.

Q. Then the better unknown he is, the better his chance is of getting a good moral character? A. As long as we had nothing against him; he answered all the questions favorably, and I had to take it for granted.

Q. Did you ask him where he lived? A. It is on the application.

Q. Did you ask where he lived? A. I had his address on the application.

Q. Did you go the place where he lived, and ask anybody who he was? A. No, sir.

Q. Did you take any steps to find out his prior business, in any way? A. No, sir.

Q. Did you ask any police officer about him? A. No, sir.

Q. Do you call that a report on an inspection; is that what you understand a report of an inspection to mean?

Senator Fassett.— Ask him if that is his practice.

A. Being a new party, why I can not very well find out; there are some people come here from adjoining cities and open places, once in a while.

Q. Do you know of any reason why you couldn't communicate with their neighbors in the adjoining city, and find out what they are and what they do? A. No, sir.

Q. Now, is this manner in which you inspected William Lythe's place, and reported on it, the manner in which you inspect and report on a place? A. On a new party; yes, sir.

Q. Now, if it is an old party, what do you do? A. I examine all the records.

Senator Fassett.— They are more careful with new parties than old parties.

Q. And you are not so careful with the new parties as you are with the old, is that it? A. We have no way of finding out so much about the new party; they have not been in business before.

By Senator FASSETT:

Q. You take more pains to find out about a new party, don't you? A. They may be on record.

Q. You take more pains to find out about a new party than an old, don't you? A. No, sir; do all I can to the best of my ability.

Q. Don't you take more pains to find out about a new man, than about an old man whom some previous inspector had reported on? A. I take all the pains I know.

Q. Don't work any harder to find out about a new man than an old one? A. Do all I can to find out.

By Senator AHEARN:

Q. It don't require any examination on renewal of licenses? A. Not unless there is something against the place.

By Senator FASSETT:

Q. Can not you tell whether it is more difficult to inquire about a new man than an old one? A. In some cases it is.

Q. You are not ready to announce any general principle? A. No, sir.

Q. How long have you been an inspector? A. Eleven months.

Q. You wouldn't want to formulate general principles from your experience? A. To the best I know how.

By Mr. LEVENTRITT:

Q. Did you investigate those persons applying for new licenses where the licenses were revoked? A. No, sir.

Q. All the reports that you gave, then, were favorable reports, is that it? A. Yes, sir; I haven't had any where they have been revoked.

Senator FASSETT.— They always acted on his reports.

Q. Now, you have spoken of the reports of arrests as not being arranged in the office; are they not arranged according to precincts, so they can be readily seen? A. Yes, they are.

Q. Then they are not there at random at all? A. Every precinct is separate.

Q. Mr. Ivins asked you whether they were readily accessible, and you could have ready access, and you answered that you could not? A. Every precinct is separate.

Q. Then it only takes a few moments, in other words, to find them? A. Yes, sir; the precincts are all separate.

Senator FASSETT.— The witness intimated that there would be over 1,000, and that they were miscellaneously heaped up.

The WITNESS.— Put on file, but not alphabetically.

Q. They are arranged according to precincts? A. Yes, sir.

Q. And there are a great number of precincts, are there? A. Sometimes.

Q. But a few moments would suffice to ferret out any one of them, wouldn't it? A. Yes, sir; to look over them.

JOHN J. HART, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Hart, where do you live? A. Twenty-three hundred and and eight Second avenue.

Q. What is your business? A. excise inspector at present.

Q. How long have you been such? A. Going on four years.

Q. What were you before that? A. Inspector in the department of public works.

Q. Under whom? A. Under John Newton.

Q. Inspector of what in the department of public works? A. Regulating grading.

Q. Who appointed you as excise inspector? A. That is a question I can not exactly answer; there were three commissioners there, and I couldn't say which one really appointed me.

Q. Who recommended you for appointment? A. Charles W. Dayton.

Q. Do you live in Mr. Dayton's district? A. Yes, sir.

Q. Are you a Republican, a County Democrat or a Tammany Hall man? A. Well, now, that is a question to answer; I can not.

Q. You can not answer that? A. Sort of independent.

Q. Were you at the time you got appointed to this place? A. I was then a County Democrat.

Q. You are more independent than you used to be? A. Yes, sir.

Q. Now, do you know The Mart? A. I know of it.

Q. Did you sign an inspector's report on the twenty-fifth of January of the present year for William Bush, for the place known as The Mart, No. 137 East Thirteenth street? A. Yes, sir.

Q. Did you inspect that place? A. Yes, sir.

Q. State what you did when you made the inspection? A. I visited that place at half-past 3 o'clock in the afternoon, and from the general appearance of the place I saw nothing that was in any way out of the way or that would interfere with the gentleman's receiving a license at that time.

Q. At that time of day do you mean or at that time? A. At that time of day.

Q. Now, was there any music going on there at that time? A. No, sir.

Q. Did any one tell you it was a music hall? A. No, sir.

Q. Did you make any inquiries whether it was a music hall or not? A. I did, and it was not, sir.

By Senator FASSETT:

Q. That is not a good time of day to get a bad report on a place is it? A. Well, I don't know; I was in the place at that time.

By Mr. IVINS:

Q. Did you ask Mr. Bush whether he was a man of good moral character? A. I did, sir.

Q. What did he say? A. Naturally he would tell me his character was good.

Q. Whom else did you ask beside Mr. Bush? A. I asked Mr. Bush for his references in reference to his character, and he told me that he had been employed by different people; I can't exactly tell you who he told me; and he told me that they were not to be found; that they lived out of the city.

Q. Had everybody who had ever employed him ceased to live in the city? A. I only asked him in reference to the last place.

Q. When you found his last employer did not live in the city, you stopped? A. I couldn't go any further.

Q. Did it not suggest itself to your mind that you might ask him where he was employed before that, prior to the employment by the person who had moved away; did you ask him by whom he had been employed? A. No, sir.

Q. Did it suggest itself to your mind that that would be one way to run him down and get his character? A. No; it did not.

Q. Would such a remote thing as that suggest itself to your inspectorial mind naturally? A. No; it would not.

Q. Now, did you ask him where he lived? A. Well, I did; I forget just now where he told me.

Q. Did you hear where he lived and ask anybody there about his character? A. I asked the neighbors and they told me he had only moved there recently and they did not know exactly; they didn't know anything derogatory to his character.

Q. As far as his license was concerned he was also a party going into a new place where he was not known? A. Yes, sir.

Q. Then you found a man whose neighbors in the place where he lived said he was a new party and knew nothing about him? A. And couldn't say anything against his character.

Q. And a man whose neighbors in the place where he was going to carry on his business said he was a new party and did not know anything about him? A. Well, that I couldn't say; the neighborhood is not the best to make inquiries in regard to a man's character anyway.

Q. You made no inquiry of any one but himself? A. Himself and the neighbors.

Q. Who said they knew nothing about it? A. They didn't know anything about him.

Q. But they knew nothing bad about him? A. They knew nothing bad about him.

Q. That being the case, you reported affirmatively that his moral character and general reputation were good? A. Yes, sir; I gave him the benefit of the doubt.

Q. That was your finding judicially; now, has it been your custom to give the benefit of the doubt in every case of that kind where you got no information whatever, to the applicant? A. Where I don't get any complaint against the applicant or where I don't hear anything against his character, I report his character as good.

Q. That has been your practice and custom for the last four years, has it? A. Yes, sir.

Q. How long did it take you to make this inspection of Bush's place? A. Well, it would be about two days.

Q. How much of two days? A. Well, on and off; when I would be there in that neighborhood I would stop in.

Q. It did not take your time so exclusively, but what you might have used some part of those two days looking after other cases? A. Yes, sir.

Q. When you come to make it up and get at the total, how much time would you say it took to do the work of this inspection and drafting the report? A. Well, I made about three or four visits to the place.

Q. What did you go there the second time for? A. I failed to find the applicant in the first time.

Q. And the third time? A. The second time I failed to find him in — not the first time.

Q. That is two days? A. No, sir; I went twice in one day.

Q. The fourth time you went for what? A. I went to find the applicant and found him.

Q. Was the place open and furnished at that time? A. Yes, sir.

Q. Was it running? A. Yes, sir.

Q. Was it running in the name of another licensee? A. Yes, sir.

Q. Whose license had expired? A. No, sir.

Q. It has not yet expired? A. No, sir.

Q. Where was the old licensee in whose name it was running? A. He was not in the place.

By Senator FASSETT:

Q. How long had the license yet to run? A. It had to run to the first day of February, I think; I wouldn't be certain.

Mr. IVINS.— It expires February fifth. This was January twenty-fifth.

Q. Did you see the old licensee? A. No, sir.

Q. Did you make any attempt to? A, I did, sir.

Q. How many times did you try to find him? A. I went several times to find him; I couldn't say exactly how many times I did.

Q. How long do you think it is proper for you to wait while making efforts to find people in order to get information as to the character of the applicant before you finally get tired and make up your mind that it is time to give the applicant the benefit of the doubt, and report "good" on his application? A. Well, I think three or four days is sufficient.

Q. Why would not one day be enough? A. Well, you might have a good many places to go to.

Q. If you adopt that rule of giving him the benefit of the doubt where you know nothing, why should you not adopt it after the first day's trial as well as after the fourth? A. I went to make the attempt to see if I could not get the information.

Q. If you try for four days why should you not, as you have as yet failed, try, try again? A. The rule of the board is that if you receive a paper you are supposed to report it within three days after receiving it.

Q. Is there any penalty for not reporting it? A. No, sir; they might be reprimanded.

Q. Were you ever reprimanded for not reporting? A. No, sir.

Q. Is there anything to prevent your saying: "I have made diligent inquiry and find out nothing?" A. No, sir.

Q. That would be the truth would it not? A. That would be the truth.

Q. Do you know of any reason as an inspector why you should not report the truth in that form to your superior officers instead of reporting what may be untrue? A. The question again please?

[Last question read by the stenographer.] A. I know of no reason whatever; I report that naturally, as I stated before; I generally give the applicant the benefit of the doubt.

By Senator FASSETT:

Q. There is nothing doubtful in your report; that is an absolute, positive statement? A. That his character is good; yes, sir.

By Mr. IVINS:

Q. Have you ever made a report to the effect that: "I have tried to find out about this man's character and have failed, and, therefore, I would personally give him the benefit of the doubt?" A. No, sir.

Q. Now, suppose a report were made in that form, would it not put the general inspector or the secretary or the commissioners on their inquiry?

By Senator FASSETT:

Q. That is, would they grant a license upon that without further investigation? A. I don't know; I never have seen a report, to my knowledge, made in that manner.

By Mr. IVINS:

Q. Every report you have seen made has been in this way? A. No, sir; several reports I have seen made report that the character was bad.

Q. But you had never known of a license being granted unless it was upon a report "good?" A. Not to my knowledge.

Q. Did it ever occur to you that your superior officers relied on that report as being what it stated itself to be, that is, upon diligent inquiry you positively find the moral character and general reputation of the applicant is good, and that they, relying upon the exact truthfulness of that report as to diligence and as to inquiry and as to the result might grant a license; has the seriousness of that ever occurred to you? A. No, sir.

Q. You have never looked at it so seriously as that? A. No, sir.

Q. Now, what do you understand you are an inspector of excise for? A. To make inspections and report.

Q. If the inspection is made, you report; you do not think it is so material how you inspect or how you report? A. Oh, yes.

By Senator FASSETT:

Q. Isn't the sole object of the inspection to determine the good character of the man and of the place? A. Yes.

Q. Isn't that the sole object of inspection? A. Yes.

Q. And if you fail to make proper inquiry and an honest report, then the whole purpose for which the inspection is warranted at all, falls to the ground, does it not? A. I do not know that it does.

Q. If in the absolute absence of all information as to a man's character, you inspectors habitually report that a man has a good character, what is the use of any inspection whatever? A. Well, that has generally been the rule.

Q. The whole thing is a farce, is it not? A. I don't know as it is a farce.

Q. About how many men have ever been reported to have bad character? A. That, I couldn't answer.

Q. Can you remember any? A. No; not that I know of.

By Senator AHEARN:

Q. If you reported that you could not find the character of an applicant, what action would the commissioners take upon that application? A. I could not say that.

Q. Would they send another inspector to find out? A. I don't know; I am not aware of what action the commissioners would take; I can't answer that question.

By Senator FASSETT:

Q. Would you be permitted to make that kind of report? A. No doubt I would; there wouldn't be any objection to it.

Q. You do not require a very high standard of moral character, do you? A. Don't require so much character in some instances as in others.

LAWRENCE F. COLLINS, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Collins, where do you live? A. Three hundred and eighty-seven First avenue.

Q. What is your business? A. Excise inspector at present.

Q. How long have you been such? A. About eleven months.

Q. Appointed by the present board? A. Yes, sir.

Q. Who indorsed you for appointment? A. Edward P. Hogan.

Q. You live in the Sixteenth Assembly district? A. Yes, sir.

Q. A member of the Tammany Hall general committee in that district? A. Yes, sir.

Q. How long have you been such? A. About five years.

Q. What was your business before? A. Machinist.

Q. With whom? A. A. S. Cameron Steam Pump Works.

Q. How long had you been with them? A. Nineteen years and a half.

Q. And you abandoned that business to become an excise inspector? A. Yes, sir.

Q. Did you pass a civil service examination? A. Yes, sir.

Q. How long was it after you made that application, before you got your appointment? A. About four weeks.

Q. Did you inspect Mr. Eismann's place at 294 Bowery, on the twenty-fourth of March? A. Yes, sir.

Q. Tell us how you made that inspection? A. I visited the place twice previous to their knowing who I was; I went there in the afternoon, and there was only four or five gentlemen there; I went there in the evening again, about eight o'clock in the evening, and stayed there for over an hour, or an hour and a half, and came out about my business, and went home, and went out there the next night again.

Q. What did you see going on there? A. Well, nothing only musical and vocal singing going on.

Q. Did you see men and women in there? A. Yes, sir; I saw men and women in there.

Q. Did you see women come down from the stage with wrappers thrown over their costumes? A. No, sir; I did not.

Q. Did you see any women in there whom you would suspect either justly or unjustly of being loose characters? A. No, sir; they all seemed to be respectable people that were in there; all seemed to be well dressed.

Q. Drinking? A. Yes, sir; they were drinking.

Q. Drinking all kinds of drinks? A. No; I didn't see nothing only beer.

Q. You reported that Charles Eismann's moral character and general reputation are good? A. Yes, sir.

Q. Now, what did you do prior to making that report for the purpose of satisfying yourself that his moral character and general reputation were good? A. I made inquiries from the people in the vicinity; next door I inquired.

Q. Who did you inquire of next door? A. Well, I can't name them.

Q. What kind of a store is next door? A. Cigar store; I asked three or four gentlemen there in the cigar store, and they all spoke very well of Mr. Eismann.

Q. Did you ask them how long they had known him? A. Yes, sir; one had known him five years, and the other gentleman only for the time that he was there.

By Senator Fassett:

Q. Is this Gombossy's place?

Mr. Ivins.—This is Gombossy's.

Q. How frequently do you see William Eismann? A. Well, I have seen him the three times that I was there; he was there each time I

was there, but he did not know who I was, and so the third time I was there I didn't make myself known to him.

Q. The last time you told him you were an inspector? A. No, sir; I made my business known to him.

Q. Did you make any injuiries about the character of the place as to how it had been run formerly? A. Yes, sir.

Q. From whom? A. Well, from Mr. Eismann himself.

Q. He told you it was all right, did he? A. He told me it was all right; he has got four floor walkers there walking up and down, keeping order.

Q. Does it need four floor walkers to keep it in order? A. There was four there.

Q. Did the fact that he had four floor walkers to keep it in order attract your attention at the time particularly? A. No, sir.

Q. Did he tell you that he had four floor walkers? A. No, sir; he did not.

Q. You counted them? A. I counted them; I saw them there myself.

Q. Did you count the waiters? A. No, sir; I did not.

Q. Were there a good many waiters? A. I should say there were ten or twelve.

Q. Four floor walkers to ten or twelve waiters? A. Well, they may not be floor walkers, but that is what I took them to be.

Q. Was any one there whom you took to be the bouncer? A. No, sir.

Q. Did you not become acquainted with the man who has since knocked the visitors teeth out, and whom the police are after? A. No, sir; I don't know him by name; I may know him if I see him but I don't know him by name.

Q. What further examination did you make other than asking in the cigar store? A. Well, I asked him where he lived; I believe he answered his address as DeLancey street, referred me to DeLancey street to make inquiries down there.

Q. Did you go down there? A. Yes, sir; to DeLancey street, I only asked one question though, and the remark he made to me was that Eismann was a decent fellow.

Q. Did you examine the records of the office? A. Yes, sir.

Q. What records? A. The police records and the conviction book.

Q. The newspaper book? A. No, sir; I did not.

Q. Why did you not examine the newspaper book? A. Well, I did not think it was necessary; I didn't know as there was anything against the place.

Q. Isn't the way to find out whether there is anything against a place to look at the records? A. I suppose it is.

Q. Will you account to this committee for the fact that you signed this application, reporting that his general character and reputation were good and yet failed to find what was found by Inspector Hoyle in the records of the department and appended to your report after you passed it, to wit, "294 Bowery, William Eismann, address 317 Nineteenth, this place has already earned a reputation second only to Glory's Armory Hall," etc., now, how is it possible that those records should have passed your observation? A. Well, there is no arrests made.

Q. If you found no arrests made, would you think that was sufficient to entitle you to go ahead? A. Yes, sir.

Q. Have you ever heard of a bad character in New York city who was not arrested? A. Well, I don't know as I have.

Q. All the bad characters are arrested? A. I should say so.

Q. Now, is it your judgment that proof of bad character is proof of an arrest; is that your judgment? A. Yes, sir.

Q. Now, is it also your judgment that unless a man has been arrested, his character, for the purposes of your work, is to be taken as good? A. If he has not been arrested I should say his character—

Q. Is arrest a sufficient indication of bad character? A. Yes, sir.

Q. What would you say if a license was granted to a party who had been arrested three times? A. Well, probably it was not proven against the man.

Q. The arrest was proven? A. The arrest was proven, but still he might be innocent.

Q. Then arrest is not an indication of bad character? A. Not if it is not proven against him.

Q. Did you inspect John C. Sullivan's place? A. Yes, sir.

Q. Reported on it on the twenty-eighth of April? A. Yes, sir.

Q. One hundred and sixteen Bowery? A. Yes, sir.

Q. Tell us how you made that inspection? A. Well, I went there and saw the applicant.

Q. He was a new party, was he not? A. Yes, sir; Mr. Brennan was there himself, the former licensee.

Q. Thomas S. Brennan? A. Yes, sir.

Q. What inquiries did you make about Mr. Sullivan? A. Well, I asked him if he was ever in business before.

Q. What did he tell you? A. He told me no.

Q. By that you mean in business for himself? A. Yes, sir; if he ever had a license out in his own name.

Q. Did you ask him what his occupation had been? A. No, sir; I did not.

Q. Now, how did you find out that his moral character was good? A. Well, I took his word and took Mr. Brennan's word.

Q. Mr. Brennan was the former owner? A. Yes, sir.

Q. Mr. Brennan had sold out to Mr. Sullivan? A. Mr. Brennan had sold out to Mr. Sullivan.

Q. Did you see any one else? A. I did not.

Q. That you regarded as sufficient? A. Yes, sir; he told me he knew him for a number of years.

Q. So that if the vendee was satisfactory to the vendor, then that was satisfactory to you? A. In that case it was.

By Senator FASSETT:

Q. Did you ever meet a man who would confess that his own moral character was bad? A. No, sir.

By Mr. IVINS:

Q. Why did you not report to the board: "I have seen nobody in reference to Mr. Sullivan except Mr. Brennan, and Mr. Brennan tells me that Mr. Sullivan has a good moral character and general reputation;" that would have been the truth, would it not? A. Yes, sir.

Q. Why did you not report it to the board? A. I didn't think it was necessary to go any further.

Q. You went very much further; you reported, "upon diligent inquiry I find the moral character and general reputation of the applicant to be good;" that is going a great deal farther? A. The diligent inquiry was from Mr. Brennan.

Q. Is that your idea of diligence? A. Well, they were all strangers to me there; who else should I inquire of?

Q. Do you know that Mr. Sullivan had been employed by the Occidental Hotel? A. No, sir.

Q. Did you know that he had a good reputation in the Occidental Hotel? A. Yes; I believe I had known of his being employed there.

Q. Did you find out at that time? A. Yes, sir.

Q. Whom did you find that out from? A. From himself.

Q. He told you that he had a good reputation there; have you ever employed a servant? A. No, sir.

Q. If you were going to employ a servant, and asked the servant for a reference, and the servant said: "I have got a first rate character," would that be satisfactory to you? A. No, sir; I do not think it would.

Q. Then why should such a thing as this be satisfactory to you, when your superior officers have to depend upon it? A. Why, I took Mr. Brennan's word for it.

Q. Did it occur to you to go to the Occidental Hotel and find out about Mr. Sullivan? A. No, sir; it did not.

Q. If you had gone there, you might have found that his reputation was very good, might you not? A. I may.

Q. Did you take it for granted that you would? A. No; no more than I did Mr. Brennan's.

Q. How long did it take you to make your inspection? A. About half an hour.

Q. How long did it take you to make your report? A. About the same time.

Q. How many is the most reports you have ever made in a day? A. Three.

By Mr. LEVENTRITT:

Q. In reference to this place of William Eismann, you were asked whether, upon a reference to the reports in the office, you could not have ascertained the statement that was made in reference to a comparison between this place and McGlory's Armory Hall, were you not; you said you had not made such an examination, did you not? A. I did not know as it was Armory Hall.

Q. Mr. Ivins called your attention to the fact how you happened to overlook the records in the office; is it not a fact that your report is dated March twenty-fourth? A. Yes, sir.

Q. And the report in the office, to which Mr. Ivins called your attention, was a clipping taken from the *Press* of the 27th of March, 1890, was it not, and therefore that was not in the office at the time? A. At the time I made the application.

Q. That accounts for the fact that you did not refer to that part of the report, it being subsequent to the making of your report? A. Yes, sir.

Q. I see, in reference to the William Eismann place, there is also a police report by William Meakin, dated April 7, 1890, and that is sometime subsequent to the announcement in the *Press*, is it not? A. Yes, sir.

Q. Captain Meakin reports Eismann as being a person of good moral character? A. Yes, sir.

By Mr. IVINS:

Q. Have you seen in the newspapers that Captain Meakin has reported that two detectives on which he relied assisted him in his

work, that those persons are not fit to be detectives, and they have been reduced to the ranks? A. No, sir.

By Mr. LEVENTRITT:

Q. Do you know of a hotel that Mr. Eismann's brother keeps within a block or two — A. Six hundred and eight Broadway.

Q. That hotel is managed by Mr. Eismann's brother? A. John Eismann.

Q. How far is it from this place of Gombossy's? A. About 1,200 feet, I guess.

Q. That is a reputable hotel, is it not? A. Yes, sir.

Q. There is no question about that, is there? A. There is no question about it at all.

EDWARD W. HART, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Hart, what is your business? A. Excise inspector.

Q. How long have you been an excise inspector? A. Two years last February.

Q. You were appointed by the so-called Woodman board? A. Yes, sir.

Q. On whose recommendation? A. I believe Mr. Martin had me appointed by William R. Grace.

Q. Barney Martin had you appointed through William R. Grace? A. Yes, sir.

By Senator FASSETT:

Q. He is deputy commissioner of public works? A. Yes, sir.

By Mr. IVINS:

Q. Are you a Tammany Hall man? A. Yes, sir.

Q. You belong to the general committee? A. Yes, sir.

Q. In Mr. Martin's district? A. Yes, sir.

Q. A member of the Iroquois Club? A. Yes, sir.

By Senator FASSETT:

Q. The Narragansett Club? A. No, sir.

By Mr. IVINS:

Q. Do you know Adam Gander's place, 139 Eighth street? A. Yes, sir.

Q. Did you inspect that place? A. Yes, sir.

Q. Your report is signed May 30, 1890? A. About that time.

Q. Now, describe what sort of a place Gander's is? A. Well, it is a saloon where parties sit down and listen to music and singing, and call for beer or what they want.

Q. Men and women together? A. Yes, sir.

Q. Have you ever been in Gander's back room? A. What do you mean by the back room?

Q. The room back of the main, principal room? A. I have not been down in it; I have stood and looked down in it.

Q. What did you see when you looked into that room? A. Chairs and tables.

Q. What time of day were you there? A. It was in the afternoon; I couldn't tell what time; 2 or 3 o'clock.

Q. Were you there in the evening? A. I was there in the evening afterwards; yes, sir.

Q. You live in the Seventh Assembly district? A. Yes, sir.

Q. That is Mr. Martin's district? A. Yes, sir.

Q. This is in the Seventh Assembly district? A. Yes, sir; I am sure it is; yes, it is in the Seventh Assembly district, I think.

Q. You reported that Mr. Gander's moral character and general reputation were good? A. Yes, sir.

Q. Who certified to the moral character and general reputation, anybody besides Mr. Martin? A. Yes, sir.

Q. Who? A. A gentleman that went to school with me and knew me from childhood; do you mean when I applied for the position of excise inspector?

Q. Yes? A. Yes, sir; the man that went to school with me was one.

Q. Then the board of excise find that Adam Gander's moral character and general reputation are good upon the report of an inspector whose moral character and general reputation are certified to by Mr. Martin and this other gentleman? A. Two other gentlemen.

Q. That makes the chain of title on Mr. Gander's part to good moral character and general reputation, does it? A. How do you mean; I don't understand.

Q. I will withdraw it if you do not understand it; how did you find out that Mr. Gander's reputation was good? A. Well, it was a man that has been in business, and it was a renewal, and having heard no complaints against him; and from the previous inspector I asked.

Q. Who was the previous inspector? A. Mr. Kavanaugh.

Q. Did you ask anybody besides the previous inspector? A. No; I do not know as I did; I didn't know anything against his character; I presumed it was good.

Q. You found out that he was a bartender, and had been arrested for a violation of the excise law? A. I found that who was a bartender?

Q. Mr. Gander? A. No; that he was a bartender?

Q. Had been a bartender, and had been arrested for a violation of the excise law? A. No; I don't know as I found that out; I might have said his bartender was arrested.

Q. I understood this to mean that he had been arrested? A. No, sir; the applicant's bartender was arrested for violation of the excise law.

Q. Now, did you make any other inquiry in regard to Mr. Gander's reputation? A. No, sir; I did not.

Q. That satisfied you? A. Yes, sir.

Q. And you think that ought to satisfy the board. A. Yes, sir.

Q. And thinking that it ought to satisfy the board, and knowing that it satisfied you, you made that report? A. Yes, sir.

Q. Would you be very much surprised if you found out you had been mistaken? A. Well, I have heard no complaints, and never knew of any, and didn't find anybody that had anything against his character.

Q. Did you hear one of the inspectors testify, a short time ago, that where he knew nothing against a man, he gave the man the benefit of the doubt? A. I was not here.

Q. Is that your rule; if you find nothing against a man, do you give him the benefit of the doubt? A. I assume, if there is nothing against a man, if I don't find anybody to say anything against him, by making inquiries, I presume his character is good.

By Senator FASSETT:

Q. You did not inquire of anybody in this case except the former inspector? A. That is all.

Q. Is that diligent inquiry? A. A man being in business for a number of years and nothing against him, I presume his character is good; I would not want to say a man's character was bad unless I could prove it.

By Mr. IVISS:

Q. Do you think that you were called upon in such a case to say that the man's character is either good or bad? A. In what case?

Q. In such a case as this where you have only asked the one person about the inspector, that you were called upon to report either that the character is good or bad; you think you have got to make one or the other of those reports, do you? A. Yes, sir.

Q. Now, suppose we agreed with you that you would not be justified in saying that the character was bad under those circumstances; could you not, nevertheless, certify the facts to your superior officers, saying, "I have asked the former inspector and I have asked no one else, and I, therefore, do not answer the question, because I have no knowledge of any kind except what the former inspector told me;" that was the fact, was it not? A. No; the man being in business for a certain length of time and no complaints of anything

Q. Why should you not have reported those facts? A. I thought that covered the whole thing.

Q. It covers the whole thing and very much more; why should you not report just what you do, saying, "I have seen the inspector who inspected this place before; I have seen no one else; I have looked over the record and I find no complaints against this man?" A. Because I don't think it is necessary; I think my answer there covered all that I think was necessary.

Q. Did you not think that if you made the other kind of report it would be sent back to you? A. I don't know as it would.

By Senator Fassett:

Q. You would be very careful about reporting that a man's character was bad, would you not? A. Yes, sir.

Q. You would make a great many inquiries before you would do that? A. Yes, sir.

Q. You would go to how many men? A. I don't know.

Q. You would work pretty hard before you would certify that his character was bad; why would you not be just as careful before you said that his character was good? A. Well, I thought that was careful enough, that I would not want to say —

Q. It is very important, before you let a man deal out whisky to people, that he should have a pretty good character? A. Yes, sir.

Q. They won't give a license to a man whose character is bad? A. No, sir.

Q. Then why is it not just as important to find out that a man's character is good? A. It is important.

Q. But you did not do it? A. I did not know anything against them.

Q. You would give a positive certificate of good character upon very negative information; you do not require near the evidence that a man's character is good that you would that his character was bad? A. I would not want to say that a man's character was bad unless I could prove it.

By Mr. IVINS:

Q. Would you want to say a man's character is good unless you could prove it? A. I would say a man's character is good when I don't know anything against him.

Q. That is the rule you have pursued? A. Yes, sir.

Q. So that if you were sufficiently ignorant to testify in reporting that a man's character was good, you would do so? A. Him being in business and knowing nothing against him, that his character was good is all.

Q. You inspected Frank Sweeney's place, 34 Bond street? A. Yes, sir; I think I did.

Q. Frank Sweeney was a new party? A. Yes, sir.

Q. You reported that his character was good? A. Yes, sir.

Q. Now, what steps did you take to find out about his character? A. Well, I inquired at the time of his character of people around.

Q. His neighbors? A. No; some one in the neighborhood; I can't give you the name now.

Q. Did you go to any head of a family who lived in a neighboring house to ask what kind of a place this was or what kind of a man this was? A. No, sir.

Q. Did you go to any reputable business man who lived in the neighborhood and ask what kind of a place and man this was? A. It is on the character of the man you ask me; no; I didn't.

Q. You did not do either of those things? A. No, sir.

Q. Did you go to the place? A. Yes, sir.

Q. What did you see? A. There were only one or two people in it, the applicant and some other fellow.

Q. What time of day did you go there? A. I think it was around 1 or 2 o'clock, I am not sure.

Q. Is 1 or 2 o'clock a good hour of the day for an excise inspector to be blind in concert halls and see nothing? A. That is no concert hall that I can see.

By Senator FASSETT:

Q. Is that a crowded time of day, ordinarily, in these concert halls, 3 or 4 or 5 o'clock in the afternoon? A. I don't know; I don't know that it is a concert hall.

Q. I ask you the general question, in these concert saloons, or saloons open in the evening, whether 3 to 5 o'clock is a busy time or not? A. I should not think it was.

By Mr. IVINS:

Q. Did you go there in the evening? A. No, sir.

Q. What did Mr. Sweeney tell you about his own character? A.

Well, that is sometime ago; I can't think; I satisfied myself at the time that his character was good, and I made the report on it.

Q. This is one of those cases in which, hearing nothing against him, you reported his character as good, is it? A. I don't know whom I inquired of at that time; I forget; it is too long ago.

Q. This was last June? A. Somewhere around there; yes, sir.

Q. You do not recollect at all? A. No, sir.

By Senator Fassett:

Q. What do you mean by "good;" when you say "good," what do you mean? A. I mean that it is not bad.

Q. You mean good enough to sell rum; is that what you mean? A. Good enough for anything.

Q. Then if you were inspecting these people upon the subject of their fitness to act as moral preceptors of your children, would you say that also was sufficient qualification? A. Well, if I were going to hire them for that position —

Q. Have you ever been in business for yourself? A. No, sir.

Q. If you were, would you hire any man on no more information than you have been in the habit of getting concerning these people applying for licenses, to put them in charge of your cash, for instance? A. I would satisfy myself on them.

Q. Would you not satisfy yourself a little bit more? A. I don't know as I would; I thought when I made the report —

Q. Would it be enough evidence to you that a man had been seven years selling whisky and running a bar, that he was a proper person and of sufficiently good character to be a clerk in your store, with free access to the cash? A. If I make examination on the outside.

Q. You would find out from every available source of information, would you not? A. I would try to; yes, sir.

By Mr. Ivins:

Q. Have you ever reported the bad character of any one since you have been an inspector? A. No, sir; I don't think so.

Q. Have you ever reported against any one's character? A. No. sir.

By Mr. Leventritt:

Q. When you went to investigate regarding Gander's place, did you then know that Gander had been licensed for eight consecutive years at that same place? A. If I could see the report I could tell.

Q. You knew then the details that subsequently appeared in your report, did you not? A. Yes, sir.

Q. Then you knew that he had been licensed at that same place for the eight years next preceding the time of your investigation, did you not? A. Yes, sir.

Q. You knew also that just prior to that eight years he had been licensed for four years at 23 Astor place? A. Yes, sir.

Q. Did that raise in your mind a presumption in favor of the good character of Mr. Gander? A. Exactly what I said.

Q. Now, did you also know that prior to that time reports had been made by the board of police to the excise board concerning Mr. Gander in the following language: "The applicant, Adam Gander, is a reputable citizen, conducts his place in a quiet, orderly and lawful manner; said place is frequented by a respectable class of people;" did you know that similar reports to that had previously been made by the police? A. Yes, sir.

Q. Did that also raise in your mind a presumption in favor of the good character of Mr. Gander when you went to make this investigation? A. Yes, sir.

By Mr. IVINS:

Q. Did you have that report at the time you went to make this investigation, the police captain's report? A. I said from the previous inspector.

By Mr. LEVENTRITT:

Q. I ask you, are there similar reports for previous years, made by the board of police to the board of excise in reference to Mr. Gander; now, this one I read to you was made subsequent to your report? A. I believe that there were; yes, sir.

Q. Do you know is the question? A. No, sir.

Q. Did you refer to them? A. No, sir; we got police reports, that I referred to, on arrests and all that.

Q. You did not refer to the previous applications — Mr. Gander made annual applications for his license? A. Yes, sir.

Q. Do you know whether the excise board had, during the preceding eight years, uniformly called upon the board of police to report concerning Mr. Gander's? A. Do I know of it as a positive fact; I believe they did.

Q. Upon what was your belief predicated? A. As I said, I asked the previous inspector and I know they always get a report upon a place of that kind before the license is granted.

Q. Upon whose recommendation did you say you were appointed? A. Bernard F. Martin.

Q. Who else? A. Through William R. Grace.

Q. Did he indorse your appointment? A. Who?

Q. Mr. Grace? A. Bernard F. Martin indorsed it.

Q. Is it a fact that Mr. Bernard F. Martin wanted you appointed

and Mr. Grace left his influence with the board to secure that appointment for you? A. That was the way I was made to believe; yes, sir.

Q. So that to that extent you received Mr. Grace's indorsement to the appointment? A. Yes, sir.

Q. And that indorsement is one link in this chain of title to which your attention has been called? A. I don't quite understand that.

By Mr. Ivins:

Q. Do you remember any of the questions asked you by the civil service commissioners? A. Oh, yes; relating to the city at large; my knowledge of the city.

Q. Did they send for anybody to ask about your character? A. Yes, sir.

Q. They sent for the parties? A. Yes, sir.

Q. Did they send for Mr. Martin? A. I guess so.

Q. Do you know whether they made any inquiries about Martin's character? A. I don't know, sir.

Q. What else did they do; tell us some of the questions they asked? A. Well, they asked me my knowledge of the city and the streets and gave me some words to define, to give the answers to them.

Q. To define some words? A. Yes, sir.

Q. And to tell something about the streets of the city? A. Yes, sir.

Q. You were well recommended? A. Yes, sir.

Q. And your application had been duly forwarded by the excise commissioners? A. Yes.

Q. There were no competitors? A. I don't know.

Q. You got the place? A. I got the place.

Q. That is the way you worked out? A. Yes, sir.

On motion of Senator Stewart, the following resolution was adopted:

Resolved, That for the purpose of constituting a quorum for holding at any time sessions of this committee, the chairman may and is hereby authorized to associate with himself not less than two other members of the committee, one of who shall be either Senator Ahearn or Senator McNaughton.

Adjourned until to-morrow morning at 11 o'clock.

May 28, 1890.

Present — Senators Fassett, Stewart, Ahearn and McNaughton.

Senator Fassett.— I want to say that the chairman is in receipt of a letter from Mr. Choate, as counsel for Mayor Grant, in which he makes a request that the committee extend the present session until Mr.

Croker's arrival, announcing that Mr. Croker is expected on here on the sixth of June; not giving us any assurance of any kind however, that Mr. Croker will appear as a witness at any time. The committee authorizes me to make this public announcement that if, after Mr. Croker's return, Mr. Grant desires to swear him, or any other witnesses before this committee, the committee will make arrangements to accommodate them in any reasonable way, and with such reasonable notice to the committee as will enable the members to accommodate their own business affairs to the pleasure of the mayor and his witnesses, and also with such reasonable notice to counsel as will enable counsel to accommodate their business affairs.

Mr. IVINS.— That is all very fine, but I will not accommodate my business affairs to the pleasure of Mayor Grant or Mr. Croker during the months of July or August. Neither of my partners nor myself will be able to attend to the business of this committee, and if this is done, it must be done in the month of June, so far as counsel are concerned, or go over until after the two middle summer months.

Senator FASSETT.— Very good; that leaves ample margin, I think, to accommodate any witnesses who may desire to be heard. You see there being thirty days in June, there will be twenty-four days in which Mr. Croker can arrive and get off his sea-legs, and look over his testimony and prepare to swear. Have you any witnesses, Mr. Ivins?

Mr. IVINS.— I will call Mr. John Brogan.

JOHN J. BROGAN, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your occupation? A. Captain of police.

Q. How long have you been captain of police? A. Going on twelve years.

Q. How long have you been in the police force? A. Going on twenty-six years.

Q. What precinct are you captain of? A. The fifteenth.

Q. How long have you been in that precinct? A. Ten years last March.

Q. Was your attention ever called to a place on the southeast corner of Fourth and Thompson street, which was licensed for the sale of liquors? A. Yes, sir.

Q. When? A. Sometime last summer.

Q. Had it ever been called to your attention prior to sometime last summer? A. Not as being a nuisance.

Q. Under what circumstances was it called to your attention as being a nuisance? A. A gentleman named Ely, who was connected with the Wetmore Home, came to the station-house and made complaint that some of the inmates of his institution used to go there and drink.

Q. Was it necessary for you to wait for Mr. Ely, or any other citizen to call your attention to that place, before you found out that it was a nuisance? A. No, sir.

Q. Why did you not find out, as the police captain of that precinct, that it was a nuisance before you were advised by the citizens? A. It was no nuisance, as a general thing; there has been arrests made there for violation of the excise law previous to this complaint being made.

Q. Then it was a place that ought to have been under your surveillance, particularly because of those facts? A. It was under my surveillance all the time.

Q. Now, what was there going on there at the time, or about the time, that Mr. Ely made his complaint? A. Well, Mr. Ely made a complaint in general; he didn't produce no facts; I immediately sent officers to investigate the cause of his complaints, and we could find no disorderly acts that would call for police interference in the place; while there was several disreputable people going in and coming out of the place, they didn't commit any violation of the law before the policemen.

Q. Don't you know that during the fall and winter last past that the place was open all night and every night in the week? A. Yes, sir; I know it had been open because we have made arrests there for violation of the excise law on several occasions.

Q. And it was continued open, nevertheless? A. Well, it was open in such a manner, the same as all those places are open, with a chain latch on the inside and a man on the outside to keep policemen from going in there.

Q. The purpose is to keep policemen out and let citizens in; is that it? A. Yes, sir.

Q. Well, is your force so organized, or disorganized, that you can not, one method or another, get where any citizen can? A. We make every endeavor, but those people know their customers as a general thing, and they know policemen.

Q. Are you prepared to say, now, that this place was run with such scrupulous care as to their customers that they knew every customer? A. Yes, sir; I believe they did.

Q. Do you know that four inspectors of the excise board went there during the winter and found no trouble in getting in, and made a report which is too shocking even for publication in the newspapers? A. No; I didn't know that.

Q. Did you know that four inspectors of excise went in there after you had reported that there was nothing against that place, and found that state of affairs there? A. No, sir; I did not.

Senator FASSETT.—Ask the captain if he ever had his attention called to the report of those inspectors?

By Mr. IVINS:

Q. Is that your signature? [Handing paper to witness.] A. Yes, sir.

Q. This report is signed on the twelfth of March in the year 1889: "Is the above-named person of good moral character, John F. Doyle being the person named? Yes. Do you know of any reason why said person should not be licensed? No." What made you report Mr. Doyle a person of good moral character? A. Because I knew nothing against his character.

Q. Is that sufficient to justify you in reporting that it is good? A. My idea is, a man is supposed to be a good character unless he is reported to be a bad character.

Q. Would you report a man to be of good character whom you knew by reputation to be habitually violating excise laws, and who kept his doors so arranged that he could keep the police out but let his clients in? A. No, sir.

Q. Then why did you report him of good moral character? A. I knew nothing against his moral character at this time.

Q. At this time? A. Yes, sir.

Q. When did you find out about his moral character? A. Since I made that report.

Q. Did you know at the time you made this report that he was keeping a place which was frequented by the commonest prostitutes, both black and white? A. I knew that there was disreputable people went there to purchase his liquors and go out about their business; I know of no act that would call for police interference in his place.

Q. Had you never heard of disreputable practices in the place? A. No, sir; never.

Q. Do you, as a police captain, think a man who keeps a place of entertainment for disreputable characters, whether they be of a peculiarly low, or of any class whatever, is of good moral character? A. No, sir.

Q. Then why did you say that he was of good moral character? A.

Because I did not know at this time that he kept such a place when I signed that report.

Q. What steps did you take at this time to find out what kind of a place he was then keeping? A. I sent my officers there to investigate the place.

Q. Who inspected it, which officers? A. Well, I sent Officer Leeson and Officer Gilgar and Officer Sullivan.

Q. When you leave the stand, will you have those officers sent down here? A. Yes, sir.

Q. I wish the sergeant-at-arms would just take a memorandum of those officers; "is any part of the building used as a resort for thieves, gamblers or prostitutes or other immoral or disorderly persons;" your answer to that was "the saloon is frequented by all classes of people, as in all tenement neighborhoods in this city;" what did you mean by that; what relevancy did that answer have to that question? A. Well, I meant to state that it was just the same as any ordinary liquor store, situated in a tenement neighborhood; it is frequented by all classes of people, good and bad.

Q. Now, we will take these up in turn, "is any part of the building a resort for thieves? A. No, sir.

Q. Well, you answered "the saloon is frequented by all classes of people as in all tenement neighborhoods in this city;" did you mean by that any reflection on tenement neighborhoods as contradistinguished from other neighborhoods in the city? A. No, sir.

Q. Then it did not have any particular pertinency on the ground of thieves? A. It meant a tenement neighborhood; a liquor store is more liable to be frequented by thieves and disreputable characters than places in respectable neighborhoods.

Q. Is it the fact that the tenement neighborhoods in this city are the neighborhoods where thieves, gamblers, prostitutes and immoral and disorderly persons are most likely to frequent the liquor saloons? A. They are more likely to frequent them there than in respectable neighborhoods where there are private dwellings.

Q. Did you mean by this answer to convey to the excise commissioners inasmuch as this was a tenement neighborhood, that therefore it was likely to be resorted by thieves, gamblers, prostitutes and immoral and disorderly persons? A. Yes, sir; there is more of those people living in tenement neighborhoods than there is in respectable neighborhoods.

Q. And you wished to put them on their guard against this place because it was a tenement neighborhood? A. Yes, sir.

Q. Why did you not say "it was frequented by disorderly persons," instead of saying by all classes of people? A. Well, it is frequented by all classes of people; there is some very respectable people goes in there no doubt.

Q. Why did you not answer the question and say yes, it was frequented by disorderly people? A. I wanted to give a proper answer as well as I knew how.

Q. Was that as well as you knew how? A. That was at that time as well as I knew how; I think there was some very respectable people going in there; strangers.

Q. Now, do you know of any respectable man who goes in there? A. No, sir; I do not.

Q. Are you able to name any respectable man whom you ever heard of as having gone in there, except a policeman or an excise commissioner? A. No, sir; I do not keep account of people that frequents those places.

Q. Then what makes you say that you know that respectable people go there? A. I should judge they did; I should see them going in and coming out when passing there.

Q. You pass there sufficiently to see them go in and come out? A. Yes, sir.

Q. And you had been doing that before this report was made? A. Yes, sir.

Q. Then you did not depend entirely upon the three officers that you have named, but your own judgment as well? A. I never was in the place but once in my life.

Q. When were you in it? A. I could not tell; it was two or three years ago.

Q. Now, are you prepared to say, as captain of that precinct, that up to the time that Mr. Ely came to you, you had no knowledge of the fact that that was a notorious place that was regarded by the neighbors as a plague-spot in the community? A. They have never called my attention to it.

Q. Is it not your business to call attention to it? A. Yes, sir; I never found it out; I had officers at that time on that place; they never reported anything wrong about the place.

Q. If the place is wrong and they do not report to you, then whose fault is it? A. I judge it is their fault; neglect of duty on their part.

Q. How would you go about to discover a neglect of duty on their part? A. By roundsmen and sergeants that is under me.

Q. Then it might have been neglect of duty on the part of the roundsmen and sergeants also; A. Yes, sir.

Q. Describe what you do in that precinct? A. I take the general supervision of the precinct, preserve peace and protect property; remove nuisances.

Q. What do you do to protect property; you personally? A. Send a patrolman to see that my men is doing their duty at all hours of day and night.

Q. Is that the same thing that you do to maintain the peace? A. Yes, sir; to see that they perform their duty.

Q. Suppress nuisances? A. Yes, sir.

Q. You see by your own occular vision, then? A. Some things may escape my occular vision; I can't be everywhere at once.

Q. But how often do you go through your precinct? A. I go through portions of it every day; through the entire precinct every day.

Q. How many sergeants have you? A. Four.

Q. How often do they go through it? A. They go through it once a day; once a night, some of them.

By Senator Fassett:

Q. How large is that precinct and how many men do you have? A. My whole force at the time is ninety-five.

By Mr. Ivins:

Q. How many patrolmen have you? A. Eighty-four patrolmen.

Q. How many roundsmen have you? A. Four.

Q. Now, can you fix the date when Mr. Ely made his complaint to you? A. No, sir; I can not.

Q. That report of yours was dated the 12th of March, 1889? A. Yes, sir.

Q. On the first of November, 1888, a complaint was made to the board of excise by a woman, an inmate of this home, who claimed that she had been debauched in that place; now, is it possible for places of that kind to exist in your precinct where people are debauched and have subsequently to go to a home for friendless women to retrieve themselves, without your knowing it? A. No, sir; it hadn't ought to be in this case; it never came to my knowledge.

Q. Do you regard a case of this kind as sufficiently fixing the date at which it is fair to say that this was a disorderly house? A. No, sir; it was since that; it was since March a year ago.

Q. Well, is a house to be called disorderly, of which a woman complains that she has been debauched in the place, and that the place is frequented by the lowest sort of characters and has a license for

selling liquor? A. Yes, sir; I didn't recommend them to get a license for selling liquor after it came to my knowledge that this thing occurred there.

Q. I want to fix the date at which we can certainly say that this was a disreputable place; now, the date on which a woman complained that she had been ruined in such a place would be certainly a proper date upon which to fix its character as a disreputable place, would it not? A. That thing never came to my knowledge.

Q. Leaving out the question whether it ever came to your knowledge, that would be sufficient to characterize it if you knew it, as a disreputable place? A. In this instance; yes.

Q. A place made disreputable without your knowing it? A. Yes, sir.

Q. So that your knowledge has no connection with the disreputableness of the place? A. Every time one of those places comes to my knowledge, I take steps to get evidence and place the matter before the police magistrate and get a warrant.

Q. Describe to this committee how it is possible that there could be a place in your precinct, in which precinct you have been for ten years, and of which you are supposed to know the social and criminal characteristics where liquor can be sold and women can be debauched without your knowing it? A. Liquor has been sold in violation of the excise law, and there has been several arrests there.

Q. Do you consider arrests made in a place, for violation of the excise law, as sufficient reason to justify you in reporting that it is a disorderly place? A. No, sir.

Q. You do not? A. No, sir.

Q. Why not? A. Those cases where the excise law has been violated; that is not disorderly other than the excise law being violated.

Q. Violation of the excise law is criminal, is it not? A. Yes, sir.

Q. Is not that disorderliness in its highest characteristic? A. I don't think it makes a disorderly house because a violation of the excise law has been committed in it.

Q. Would your officers know whether that place was kept open all night in November, 1888? A. The officers on post would make arrests if it was kept open all night.

Q. Would the fact that they did not make arrests, be proof that it was not kept open? A. Yes, sir.

Q. It would be proof that it was not kept open? A. Well, kept open widely; as I told you, there is people in the liquor business uses every precaution against the policemen getting in there.

Q. Do you recollect of their using any precautions against the

policemen getting in, other than partly closing their door or putting a lock and chain on? A. That is sufficient to keep policemen out.

Q. Have you ever heard of their using monetary precaution? A. No, sir.

Q. Has such a thing ever come to your knowledge? A. No, sir.

Q. You have no experience of anything of the kind? A. Nothing only what I read about it sometimes.

Q. Only what you read about it? A. Yes, sir.

Q. Have you never known a case in your precinct, or suspected a case in your precinct, where a money consideration was used to secure immunity for the place for a violation of the law? A. No, sir.

Q. Have you ever heard of such a case in the police department at all? A. I have; yes.

Q. How recently have you heard of such a case? A. I couldn't tell you; I didn't tax my memory with the occurrence.

Q. A little thing like that? A. No, sir.

Mr. Ivins.— Now, we have fixed in the complaint to the board of excise, that that was certainly a disorderly house in November, 1888, we have fixed by the captain that he did not know it was a disorderly house.

By Senator Ahearn:

Q. At the time you reported on that license in regard to that place, did you ever know of any breach of the peace having occurred in that place? A. No, sir.

Mr. Ivins.— Now, on the twelfth of March of the following year, some four months later, the captain reports that the saloon is frequented by all classes of people, as in all other tenement-house neighborhoods in this city. Has any part of the building been so used heretofore, and when, that is, as a resort for thieves, gamblers, prostitutes or other immoral or disorderly persons? His answer is "no."

Q. How did you come to answer no to that question? A. Because I know there was a family living upstairs there one time; a party who occupied the premises, lived upstairs with his family; a man named Conway.

Q. "Has any part of the building been so used heretofore;" what has the living up-stairs of one family, in one part of the house, to do with it? A. Well, that is the only portion of the building other than the store.

Q. Does not that question refer to the store to the upper part? A. Yes, sir.

Q. How did you come to answer then positively no? A. I never knew of any act being committed there in violation of the law other than the excise law.

Q. Then if you did not know of any violation, you would give the positive answer "no?" A. If I knew any part of that building was occupied for immoral purposes, I would answer yes.

Q. You answer "yes" arrests had been made for a violation of the excise law on the premises; you were then asked if "you knew of any reason why said premises should not be licensed," to that you answered "No."

Q. You remarks: "Sunday, January 27, 1889, Charles H. Foster, bartender, was arrested for violation of the excise law; Sunday, April 14, 1888, John F. Doyle, proprietor, arrested for violation of the excise law;" now your answer to the question: "Is the above-named person of good moral character?" he being John F. Doyle, was "Yes." Is it your opinion as captain of police that a person who has been arrested by you or your immediate subordinates for violation of the excise law, after having agreed with the law and with the board of excise not to violate that law, and giving a bond in a fixed penalty in case the law was violated, is a person of good moral character? A. In the strict sense of the meaning I don't think he is; on general principles there is men of moral character who has violated the excise law.

Q. As police captain is it your duty to look after the observation and enforcement of the law in a strict sense of the question or loose sense? A. In a strict sense of the question.

Q. Very well, then, why did you not answer "no" to that question? A. I know men—

Q. No; why did you not answer no to that question? A. Because I knew nothing against this man's moral character.

Q. Then just state in a strict sense of the question you should think a man who had been arrested under such circumstances, for violating the excise law, was not of good moral character? A. I do not believe a man, in a strict sense of the word is an immoral character.

Q. What made you change your opinion in the last three minutes; you have now given two distinct answers to that under oath; what made you change your opinion; tell us if you can? A. Well, I suppose I understood your last question better than I did the other one.

Mr. IVINS.—I would like to have the stenographer read that question and see just what he did say. [The testimony was read by the stenographer as follows: "Is it your opinion as captain of police that a person who has been arrested by you or your immediate

subordinates, for violation of the excise law, after having agreed with the law and with the board of excise not to violate that law, and giving bond in a fixed penalty in case the law was violated, is a person of good moral character? A. In the strict sense of the meaning I don't think he is; on general principles there is men of moral character who has violated the excise law: "Q. As police captain, is it your duty to look after the observation and enforcement of the law in a strict sense of the question, or loose sense? A. In a strict sense of the question."]

Q. Now you appear to understand it, and then followed another question which you answered quite differently, and which I would like to have the stenographer also read. [Question and answer read by the stenographer as follows: "Q. Then just state, in a strict sense of the question you should think a man who had been arrested under such circumstances, for violating the excise law, was not of good moral character? A. I do not believe a man in a strict sense of the word is an immoral character."]

Q. Don't you think that those two questions were direct and simple, and that your answers were equally direct and plain? A. Yes, sir; my last answer was I think it don't effect a man — make a man an immoral man because he is arrested for violation of the excise law.

Q. What do you understand by the words "moral character" as used in an application to you for a report, upon which is to be predicated the granting or refusal of an application for a license? A. I think moral character means a man's general character.

Q. You think it means his general character? A. Yes, sir.

Q. Have you ever seen an inspector's report? A. No, sir.

Q. To the board of excise? A. No, sir.

Q. Do you know that in such a report the words "good moral character and general reputation" are used? A. No, sir; I never seen one of those reports; those here are only reports that comes to us.

Q. In the excise board, do you know that they make a distinction between moral character and general reputation? A. Here they don't make any distinction at all; those are the reports we make.

Q. They simply say "moral character"; you think that general reputation, under those circumstances, should outweigh the specific proof of a violation of law, do you? A. I think a man's moral character means his general character.

Q. You think it means his general character? A. Yes, sir.

Q. And you think if you know nothing against his general character, although you have a specific instance of law-breaking by that

man, that you, as a police officer, nevertheless, should report that his moral character is good? A. Yes, sir.

Q. So that his general reputation, as known to you as a police officer, outweighs your knowledge, and the influence of that knowledge to the effect that he has been a specific violator of the law; answer that? A. Well, I can only answer it that I believe a man's moral character is his general character; I don't think a man who is arrested for a simple violation of the excise law, I don't think that makes him a man of immoral character.

Q. What do you mean by a man of immoral character? A. I mean by a man of immoral character a man who is a thief, a profligate, a libertine and a general bad man.

Q. Would you hold a man to be a man of good moral character, who, if not himself a thief or a libertine, was a manufacturer of thieves and libertines? A. No, sir; I should not consider that man a man of moral character.

Q. You should not? A. No, sir.

Q. And we have seen that this man was running a place four months prior to the making of this report in which women were being debauched? A. That never came to my knowledge, sir.

Q. Do you take some pains to discover and exercise the same intellectual acuteness to find out whether a place is a place of bad reputation or not that you do to find out whether a man's moral character is good or bad? A. I use all the means in my power to procure evidence against those places.

Q. Are you prepared to say that you were powerless as police captain in charge of that precinct to have discovered the character of the place? A. No, sir.

Q. You were not powerless; then why did you not discover it? A. It never came to my knowledge about this case that you refer to.

Q. Is it your practice as a police captain to wait for things to come to your knowledge, or are your duties as police captain to get at the knowledge? A. I endeavored to get at the knowledge and did not succeed.

Q. Did you have any suspicion that you were not succeeding? A. No, sir.

Q. What was it that led you to make an endeavor to get at the knowledge? A. This gentleman came and complained to me about the disreputable character of the place and the people going in from his institution; Mr. Ely.

Q. Did you have any reason to believe that Mr. Ely had better means of finding out, as the result seems to have demonstrated, than

the sworn officers of the law, yourself and your subordinates, had? A. Yes, sir; I had men on there trying to get evidence against this place, and they did not succeed.

Q. Would it be a fair presumption that the police are not as useful as citizens are, and are rather an aid to crime than a deterrent? A. No, sir; the police are very useful for myself, and do their best to enforce the law.

Q. Now, I call your attention to the fact that on the ninth of March, which was three days before that report was signed by you, on the eighth of March, which was four days before it, reports were made by Inspector Verhoeven, John Boyd, Cornelius Ackerman, Thomas Ferris and William H. Shields, five men, one of whom had been a police officer, had visited that place, found no difficulty in getting in, it was after midnight, and until the early hours of the morning; spent the money of the department of excise, for the purpose of buying drinks in this place, and saw exhibitions which are too disgraceful for characterization, but which they reported fully and frankly to their board; how can you account for the fact that those five men, on those two nights, three and four days before your report was sent in, were enabled to do that? A. That thing never came to my knowledge about the exhibitions being given there.

Q. Can you tell us why; do you have detectives in your force? A. Yes, sir.

Q. How many ward detectives have you? A. Two.

Q. Are those ward detectives known to every thief, prostitute and violator of the law in that precinct? A. There is a great many know them.

Q. Then why do you not get some others that are not known; what limitation is there on your power to get others? A. Those men is very efficient; that I know.

Q. Is this a mark of their efficiency? A. No, sir.

Q. This is not; this is rather a demonstration of their inefficiency? A. In a manner.

Q. Do you think the fact that five men from the excise board, four of whom never were police officers, were able to go there without molestation, were unknown because they were not frequenters of the place, and consequently did not have to be vouched for before they could enter the sacred precincts, did not find any chains on the door, found no men there to keep them out, found no one making any inquiry as to their antecedents or desirableness as associates, walked in openly, no questions were asked, spent their money with the men and women, and saw this identical man Doyle personally doing things

too outrageous for speech; the very man of whom you reported that he had a good moral character— A. Those men would have a better chance of getting in than a regular policeman would.

Q. Very well, that leads up to the end of my question; do you think that the thing is possible, is flattering or unflattering to the police administration of that precinct? A. Well, I must say that question is unflattering.

Q. Do you think that your precinct ought to be so administered that for the purpose of finding out what is going on under your own eye and within the length of your own arm, the community should find it necessary to have inspectors from another department to make an inspection? A. No; I don't think so.

Q. Then you think that your administration in that regard has been somewhat of a failure, do you? A. I think if they was to give us the the inspection of those places altogether, instead of having it divided, that it would be more of a success.

Q. Describe to us wherein it is divided? A. That the inspector makes one report and the captain another; two different reports.

Q. You are rather sorry for that, are you not? A. Two different reports; we have got the same facility of qualifying ourselves as to the condition, the character of the applicant.

Q. If you had different blanks would you have better facilities for qualifying yourselves as to the character of the applicant? A. I think that we would; yes, sir.

Q. You think your facilities for qualifying yourselves as to the character of the applicant depends on the printed blank? A. In a manner.

Q. What manner? A. There is three forms as to a man's character; good, moral or bad; there it is positive in our blanks; "is the man of good moral character."

Q. Is there any requirement that you should answer that question in one way or the other? A. Yes, sir; a man can be a good man and not a moral man, in a way.

Q. That is police ethics, is it; that is police morality, is it; do you know of any policemen, for instance, who are good men and not moral men, in a way? A. No, sir; I don't care to answer that question.

Q. You would not like to apply that to the force? A. No, sir.

Q. Then what do you mean by saying that a man could be a good man and not a moral man, in a way?

Senator FASSETT.— I do not think that it is hardly fair to press that question.

Mr. IVINS.—I would like to get into the mental atmosphere of this witness; he is in charge of one of the largest precincts in this city;

he has about 100 men under him; he is one of the men whom the community look to for protection and defense.

The WITNESS.—I have only ninety-five men.

Q. You say there is a divided responsibility? A. Yes, sir.

Q. You have not told us yet wherein that responsibility is divided? A. Well, it is divided in regard that there are places licensed by the board of excise that they did not ask the police captain to make any inspection of.

Q. You think they ought to be asked in every case? A. Most every case; yes, sir.

Q. Do you not think it is the duty of a police officer to be so thoroughly up in his precinct that he should see that no improper place is licensed, and that the initiative is on his part or should be? A. Well, there has been cases where I have been opposed to places being licensed that they have granted licenses for.

Q. But you have made a protest? A. I never have been requested to make a protest.

Q. I do not mean when you have been requested to make a protest, but have you not, knowing that a man was an applicant for a license, protested against his being licensed? A. Yes, sir.

Q. What cases? A. Andy Kelly, 78 West Thirty-seventh, 229 Worcester street.

Q. Andy Kelly has three places has he not? A. Yes, sir.

Q. Tell us about him and why you protested? A. I protested because his place is conducted in a bad manner and immoral manner, a resort of the vilest characters.

Q. Did he ever have a license? A. Yes, sir.

Q. When did it expire? A. The nineteenth of April, I think; I wouldn't be positive.

By Senator FASSETT:

Q. This last April? A. Yes, sir.

By Mr. IVINS:

Q. He is an applicant for a license now is he not? A. Yes, sir.

Q. The application is pending? A. Yes, sir.

Q. There has been a good deal of controversy as to whether that man should have a license or not? A. Yes, sir.

Q. Do you know Bernard F. Martin? A. Yes, sir.

Q. Do you know whether Bernard F. Martin has made efforts to have this man's license granted? A. No, sir.

Q. Have you ever heard that he has? A. No, sir.

By Senator FASSETT:

Q. Should there be any ground of controversy about giving that man a license? A. Yes, sir.

Q. What is it? A. He is not entitled to a license; he keeps a most disreputable place.

Q. There is not any doubt about it whatever? A. No, sir.

Q. Then there should not be any doubt about refusing it? A. No, sir.

Q. That is what I meant; if he should get a license, how do you account for it? A. Well, that I can't account for.

Q. You would not undertake to account for it? A. I have entered a protest to the excise board; made a protest against him and went personally myself before the excise board.

By Mr. IVINS:

Q. Did you have any difficulty in finding out what kind of a place Andy Kelly kept? A. No, sir.

Q. Why was it easier to have found what kind of a place he kept than what kind of a place Doyle kept? A. Because his place was a great deal worse than Doyle kept.

Q. How do you know? A. Because I know the general reputation—the officers on post.

Q. You say than Doyle kept? A. Yes, sir.

Q. You say you do not know much about Doyle? A. I know there is no comparison between the two places.

Q. Describe the place Kelly kept? A. It was a resort of the vilest class of people, both male and female, and of the lowest order; they used to keep open nights with the back room and with a guard on the door, it was impossible to get in to make arrests unless you were a regular customer of the place.

Q. Andy Kelly is a kind of a politician is he not? A. I don't consider him so, sir.

Q. He is active in politics is he not? A. I don't think he amounts to anything as a politician.

Q. Did you ever hear of his being active in politics. A. I don't think he amounts to anything as a politician.

Q. Have you ever hear of his being active in politics in that district? A. No, sir; I know he knocks around among the boys on election day, or something like that; he don't carry much weight with him.

Q. Is the place that was known as the Burnt Rag in your precinct? A. No, sir.

Q. Is the place known as Black-and-Tan in your precinct? A. There is a place called the Black-and-Tan in the precinct.

Q. What has become of that? A. Closed up years ago.

Q. Is the party who used to own the Black-and-Tan an applicant, so far as you know, for a license? A. No, sir.

Q. Do you know Adam Gander? A. Yes, sir.

Q. You reported favorably on his place? A. Yes, sir.

Q. The time you reported favorably on Adam Gander's place, did you know that the newspapers had on several occasions reported there were outrageous doings in the place? A. Yes, sir.

Q. Why did you report that you knew that Adam Gander was of good moral character and that you knew of no reason why he should not have a license? A. He is of good moral character, a respectable, reputable citizen.

Q. Did he not violate the excise law? A. No, sir.

Q. Was not his house a disorderly house? A. No, sir; his house is a respectable house.

Q. How do you account for it that these reports got into the newspapers on several occasions? A. That I can not account for.

Q. But you are satisfied to go sponsor for Mr. Gander? A. Yes, sir; he is a respectful, reputable citizen, Adam Gander is, and conducts his place in a proper and lawful manner.

Q. Have you ever arrested Adam Gander or any one connected with him for violation of the excise law? A. Adam Gander was arrested, or one of his bartenders, four or five years ago for violation of the excise law, keeping open on Sunday, with the bar exposed, I believe.

Q. Do you know whether the bartender did that without Mr. Gander's knowledge? A. That I don't know; he was discharged.

Q. Is it your experience as a police officer that a bartender can run a place on Sunday without the knowledge of the proprietor? A. He might possibly if the proprietor was out of the city.

Q. The proprietor would reap the benefit of the income for that day, would he not? A. Yes, sir.

Q. It would be quite proper to hold the proprietor responsible, would it not? A. It would be if he were aware of the fact that the place was open.

Q. Have you ever arrested Andy Kelly? A. No, sir.

Q. Have you ever arrested any of his bartenders? A. His bartenders have been arrested; yes, sir.

Q. Why have you not arrested Kelly? A. Because the excise law would not permit us to arrest only the man that was violating the law.

Q. Suppose Kelly were in the place on Sunday, he being the owner of the place, and these liquors sold by his employes, could you arrest Kelly? A. Yes, sir.

Q. Suppose the same thing happened late at night, after hours, could you arrest Kelly? A. Yes, sir.

Q. Does Kelly always go away himself before hours and stop off on Sundays? A. Well, I don't know where he goes.

Q. How frequently have you arrested Andy Kelly's barkeepers? A. They have been arrested four times.

Q. Within what period? A. Since June 14, 1889.

Q. Have you ever instructed your officers to try and arrest Mr. Kelly himself? A. Yes, sir.

Q. What reason have they given for their failure to do so? A. He is never behind the bar and never around the place at night time where the officers can get at him.

Q. Do you know P. J. Moriarity? A. No, sir.

Q. Do you consider that the excise officials would be justified in relying on your report in opposition to the report of their own five inspectors and granting a license for that place on the southeast corner of Fourth and Thompson street? A. Yes, sir.

Q. Now, the facts are that there were these indescribable reports of five inspectors of the excise board against the place, and you report that the man was of good moral character and that you knew nothing against the place, they took your report, it appears, as against the report of their own five subordinates; you think that was justified, do you? A. Yes, sir.

Q. You think that they showed good discretion in doing so? A. I do; yes, sir.

Q. On this occasion? A. Yes, sir.

Q. The result of which was that this beastly place got relicensed? A. Yes.

Q. Is that your judgment as to what is good discretion, as a police officer? A. I knew nothing against the place to report otherwise.

By Senator FASSETT:

Q. Do you fully understand Mr. Ivins' questions? A. He puts them fast sometimes.

Q. He has asked you as to those five men, the employes of the excise department, sent purposely to investigate this place, reported it as vile beyond description from their personal information, described the acts and what took place and whom they saw there, and their descriptions being true, would render that one of the most-

terable places of the city; now, that being the fact and those nuisances being before the excise commissioner, do you think that your report on negative information should justify the commissioners in giving that place a license? A. No, sir; when you put the question that way, I do not; but if I had been in possession of this information that the inspectors of excise were in possession of, I would have made a report positively against the place being licensed.

Q. Exactly; that is all that you meant? A. That is all that I meant.

Q. That is, if the excise commissioners sent for you and you gave a good report, you think that would ordinarily justify the commissioners? A. Yes, sir.

Q. But not against such evidence as they had in their possession? A. Yes, sir; if I was in possession of this evidence, I should positively report against this man receiving a license.

Q. It seems to me some of Mr. Ivins' questions were directed to this point; how can it happen an institution could get along and progress in crime so right in your precinct without some information being brought to you by your officers or detectives; how do you account for it, captain? A. Well, as I say, those people use the utmost caution against the police getting in there to get evidence.

Q. A constant struggle between the criminal classes on one hand and you on the other? A. Yes, sir.

Q. You to find out and they to defend themselves? Yes, sir; they use all sorts of strategy to evade the police getting evidence.

Q. How much territory does your precinct cover? A. I take in from Houston street to Fourteenth street, west of Broadway, and from Bleecker street to Fourteenth on the east side of Broadway; from the Bowery and Fourth avenue to Sixth avenue.

Q. Are there a good many drinking houses in that precinct? A. Yes, sir; about 252 licenses.

Q. Of all kinds; concert halls? A. Yes, sir — there is only one concert hall there.

Q. Have you what is called a tough precinct? A. It was tough years ago; it is not very tough now, though.

Q. How many arrests, how frequently was arrests made over there for violations of the excise laws? A. Well, since January, 1889, there has been 186 arrests made.

Q. What with ninety-five men and something less than 300 places altogether licensed, I suppose it is fair to assume that two-thirds of those places are reasonably respectable, as liquor saloons go, is it not? A. Yes, sir; and there is more than fifty per cent of those places closed at the prescribed hours and closed on Sundays.

Q. There is more than fifty per cent of the places that you have no trouble with whatever? A. No trouble.

Q Those places with which you have no trouble are familiar to you? A. Yes, sir.

Q. And that would reduce the number to seventy-five or 100? A. About seventy-five places.

Q. If there were any tough holes in your district, they would be somewhere in that seventy-five? A. Yes, sir.

Q. Now, in that seventy-five, would you classify this place on Washington square? A. Yes, sir.

Q. And would you not class it so at the time you made this report? A. Yes, sir.

Q. It was one of the places that was likely to be tough? A. It was one of the places where they were likely to violate the excise law.

Q. Well, I suppose you consider that a technical breach of the excise law does not make a man immoral, does not necessarily make him immoral; is that your idea? A. Yes, sir; does not make him an immoral character.

Q. If a breach of the excise law made a man immoral, would it effect places like our first-class hotels? A. Yes, sir; I have made arrests in some very reputable houses in New York, in my precinct, for violation of the excise law; the Grand Central Hotel, the Sinclair House.

Q. Do you consider it requires a pretty high standard of morality to have moral character enough to run a liquor saloon? A. I don't think it so.

Q. When you make a report that a man has a good moral character do you mean he positively was of good moral character, or good enough for the business? A. Why, good enough for the business, not an immoral character.

Q. Not positively vicious? A. No, sir.

Q. If a man was not positively vicious and tough, or a thief or a crook, he would be a man of good moral character from a barkeeper's standpoint? A. Yes, sir.

Q. Well, that was what I wanted to get at, to see what your opinions were.

By Mr. IVINS:

Q. And you think that this question in these blanks is confined to that particular point, do you, as to moral character? A. It requires a positive answer, yes or no.

Q. Does it require a positive answer, yes or no? A. I should judge so.

Q. Have you never known a party about whose character you did not know anything? A. No, sir.

Q. Then would you answer yes or no about such a character? A. No, sir; I would investigate and act on information.

Q. You would finally say you could not find out, if you did not find out? A. Yes, sir.

Q. Or that you did not like to report? A. I have made reports that in regard to a man's moral character I don't know.

Q. Do you think that this question with regard to the moral character of the applicant is purposed to confine you to an opinion as to the morality or immorality of a man's personal life? A. That is my judgment; yes, sir; his personal life.

Q. And does not go outside of that in any way? A. No, sir.

Q. Simply for the purpose of finding out whether a man is a profligate, a thief and a dissolute person? A. Yes, sir.

Q. And if he be not, then you are justified in saying he has a good moral character? A. I don't think it is necessary that he should be all of those; I don't think if a man is a profligate or a thief, that he is of good moral character.

Q. Would you say, as a captain in command of that precinct, that if on the eighth and ninth, five inspectors from the board of excise had been able to find out what your officers were not able to find out, or known the existence of on the twelfth, that there was a screw loose somewhere in your precinct? A. I should think the officers on force were neglectful of their duty.

Q. You would think that proved a case of neglect of duty? A. Yes, sir.

Q. What do you want to do to help this committee to find out who neglected their duty on that occasion? A. Well, I should make inquiry of the officers.

Q. For which you would find out who neglected his duty specifically; do you not think that that is a case for somebody to be punished? A. It is if the officers is willfully neglectful of their duty.

Q. Suppose they were not willfully neglectful, but suppose the neglect occurred and the community suffered; is there any neglect other than willful neglect? A. Yes, sir; careless.

Q. Do you, as a disciplinarian, in charge of the force of such a precinct, think that carelessness which results in such a violation of law is, or ought to be punished? A. It ought to be punished.

Q. Then somebody ought to be punished? A. If the thing is proved that they are neglectful or careless.

Q. The thing is proved against somebody; we do not know who the somebody is, but do you not think that these facts prove that somebody has been careless or neglectful? A. There has been neglect somewhere.

Q. There has been neglect somewhere, and if we can find out where it was, there ought to be punishment, ought there not? A. Well, that I can't answer.

Q. There ought to be charges preferred against somebody; is this a case where the community should go on suffering?

Senator MCNAUGHTON.—There ought to be investigation.

Mr. IVINS.—No; I don't say investigation; these facts prove there has been a neglect of some kind; now the question is, if we can find out who was guilty of that neglect, whether there ought not to be charges preferred.

The WITNESS.—If it came to my knowledge I would be to blame for it.

Q. To what extent do you think you are to blame for the carelessness of your own force; to such an extent as that this thing can occur in your own precinct? A. I don't think I am to blame at all in the matter.

Q. You never found out anything before or since, and never prosecuted any inquiries, and so you are not to blame? A. Well, this is the first time that I heard about this girl being debauched in the premises.

Q. Do you know Chris. Johnson's place? A. Yes, sir.

Q. Is that in your precinct? A. Yes, sir.

Q. Do you know that a man, Murphy, was recently murdered there? A. A woman.

Q. A woman; Murphy? A. Yes, sir.

Q. What kind of a place is Chris. Johnson's? A. Well, it was an ordinary corner liquor store frequented by a disreputable class of people.

Q. Were you called upon to make a report on that place? A. No, sir; not that I remember.

Q. How long has that place been closed? A. It is closed since the revocation of the license.

By Senator FASSETT:

Q. That was revoked shortly after the murder, I presume? A. That was revoked shortly after the murder.

By Mr. IVINS:

Q. Does it require a murder in New York to get a license revoked? A. No, sir.

Q. Does it require a murder in New York for the police to make complaints against a disorderly place? A. No, sir.

Q. Had you ever made any complaint against that place? A. No, sir.

Q. Was not his the kind of a place in which a murder was likely to occur? A. No, sir; that murder that was committed there was liable to occur any place.

Q. Is it not a place that is frequented by what are known as toughs and thugs and roughs of the worst kind? A. Yes, sir; a place on a Sixth avenue corner, opposite Jefferson market; there was tough people went in there.

Q. How long did that place have a license? A. Well, I know it was licensed for a number of years.

Q. How many times did you complain against it? A. I did not have any occasion to complain against it.

Q. Until somebody was murdered there? A. I didn't complain of it then.

Q. Do you know that last fall there was a young man died in that place under very suspicious circumstances? A. Yes; I believe there was.

Q. Your attention was called to that? A. I was away on my vacation at the time.

Q. Who was in charge? A. Sergeant Douglass.

Q. Did Sergeant Douglass, so far as you know, ever make any report on that young man's death so suspiciously? A. I believe he did to the superintendent.

Q. Do you know whether any report was made or not to the excise commissioners? A. I do not, sir.

Q. It is a fact that this place was actually running under a license in your precinct at a time when a young man died there under some suspicious circumstances, and subsequently where a young woman was killed there by roughs and toughs? A. She was killed there during the prescribed hours for the place to be open.

Q. Is the place any better because they committed murder in there in the prescribed hours than if it had been outside of the prescribed hours? A. No, sir.

Q. Then why did you make that statement? A. I mean to say it was no violation of the law for the place to be opened at the time the murder was committed.

Q. How about the case of the death of this young man? A. I don't know much about that; I was absent from the city at the time.

Q. Did you make any inquiries about it on your return? A. No, sir; the case was disposed of when I came back.

Q. How? A. It was disposed of by the coroner's jury and the investigation was all went through, I believe.

Q. Was the fact that there had been such a thing and that there had been an investigation and the coroner's jury had found a verdict sufficient to make you doubly watchful or careful of this place for the future? A. I don't know as it would make me doubly watchful; I watched the place very carefully before and since.

Q. Did you believe the maintenance of the peace would require you as captain, after the facts had been shown, to have asked for a revocation of the license, so that no such thing could exist, and in which a subsequent murder could occur? A. The murder, I don't think, occurred in the place, it was outside.

Q. It was committed by frequenters of the place right on the spot, was it not? A. No; I believe it was on the corner; the young man fell on the sidewalk, I think.

Q. The young woman, I am talking about? A. This was a man, and one that went in this place; went in the back room to get a drink; they had a previous row; I think the thing was premeditated before they went in there, and this man was liable to kill this woman anyway.

Q. That was the Murphy case? A. Yes, sir.

Q. Was it not his wife or mistress? A. Well, they say she was his wife; they were married just previous to him doing the murder.

Q. The marriage was a mere preliminary ceremony to the killing, as you understand? A. That I don't know anything about their social affairs at all.

Q. Tell us the name of half a dozen other places in your precinct of about the same character as Doyle's, Chris. Johnson's and Andy Kelly's, so as to help us a little in this investigation of the excise business? A. Well, I couldn't tell you; Andy Kelly's place was all closed up; I don't know of any other places.

Q. You don't think there are any more now that Kelly's closed up, and Doyle's has got a black eye, and a murder has been committed in Johnson's? A. Well, there is five of them; that is about all the tough places there is.

By Senator FASSETT:

Q. Those five places are particularly tough? A. Yes, sir; those five places are particularly tough.

By Mr. IVINS:

Q. Do you know of any other places where men and women of assorted characters and colors spend their days and nights? A. There is places where the colored people go down around the precinct

on Bleecker street, the colored neighborhood; go in and buy their liquor and carry it home.

Q. Do the Thompson Street Poker Club hold its sessions in your precinct? A. No, sir; the Thompson Street Poker Club, I think, is down below.

By Senator McNaughton:

Q. Are the reports of the excise inspectors brought to your attention? A. No, sir.

Q. Don't you think it would be wise to have that done? A. We never see their reports, nor they ours.

Q. When did you hear of the reports made by these five inspectors? A. Well, I just heard it casually here sometime ago, shortly after the thing occurred; I didn't know what kind of a report they made.

Q. You never saw it? A. I never saw their report.

By Mr. Ivins:

Q. This same place of Doyle's was relicensed to a man named Michael Ward? A. Yes, sir.

Q. Were you called upon to make a report on the character of Michael Ward? A. No, sir.

Q. Were you called upon to make a report on the character of the place at the time the license was granted to Michael Ward? A. No, sir.

Q. So that if the excise commissioners granted this license to Michael Ward for the same place, without asking you for any information on the subject, you are not responsible so far as he is concerned? A. No, sir.

By Mr. Leventritt:

Q. You have spoken of these officers whom you sent to inspect this place of Doyle's? A. Yes, sir.

Q. Mr. Gilgar was one, I believe? A. Yes, sir.

Q. How long has he been on the force? A. I guess he has been on the force twenty years.

Q. Have you known him for that length of time? A. No, sir.

Q. How long have you known him? A. Well, I have known him, I should judge, sixteen years; fifteen or sixteen years.

Q. Have you ever had any occasion to question his efficiency as an officer, in any regard, prior to this time? A. No, sir.

Q. He has a reputation in the force as being an efficient, zealous, faithful officer? A. He has got a reputation of being a very good officer.

Q. And up to the time that your attention was called to this

omission on his part or this neglect of duty, you had no occasion to question his efficiency had you? A. No, sir.

Q. How about Officer Leeson; he was another one you sent on this same service? A. He is a very good officer.

Q. How long has he been connected with the force? A. He has been connected with the force about twelve years.

Q. Have you known him that length of time? A. Yes, sir.

Q. Have you detailed him on special duties regarding excise matters? A. Yes, sir.

Q. Have you always found his reports to you reliable, trustworthy? A. Yes, sir.

Q. Have you ever had any occasion, prior to the time, when his efficiency is put in question here, to doubt it? A. No, sir; he was always very truthful.

Q. How about Officer Sullivan, you had also sent him upon this same mission? A. Yes, sir.

Q. How long has he been connected with the force? A. He has been connected with the force about seventeen years.

Q. During what length of time, if any, have his services been directed to excise matters? A. Well, he has been precinct detective in the fifteenth precinct for about seven years, in general matters.

Q. You were then justified in calling upon him for his knowledge of the place, were you not? A. Yes, sir.

Q. It would have come particularly within his knowledge? A. Yes, sir.

Q. The character of this place? A. Yes, sir.

Q. Now, as I understand, these three officers all concurred in the report that there was nothing improper or questionable going on in those premises; is that it? A. Yes, sir; they reported to me that they couldn't find any violation of the law that would call for no license.

Q. It was on their joint assurance that you made this statement to the excise board? A. Yes, sir.

Q. Besides stating to the excise board that the moral character of Doyle was good, you also stated all the facts that you knew regarding Doyle and his place, did you not? A. Yes, sir.

Q. So that the entire knowledge that you had and the entire information that you gleaned, is embraced in this statement in regard to the arrests, is that it? A. Under the head of "remarks;" yes, sir.

By Senator MCNAUGHTON:

Q. Captain, after you suspected your report in regard to Doyle and before the license was issued, did the excise commissioners make any further inquiries of you? A. No, sir.

Q. None whatever? A. No further inquires made at all.

Q. Are you entirely certain that there is not now in your precinct, a place similar to that of Doyle's? A. No, sir; those places of Kelly's and Johnson's were the only places that was in the precinct of that kind.

By Senator FASSETT:

Q. If those could go so long undetected by your force, what makes you quite so sure there is not some other place that is not fooling you in the same way? A. There ain't no place that is bad as Kelly's at all; his was the worst place.

By Mr. LEVENTRITT:

Q. Captain, have you heard of any frauds or schemes being committed or perpetrated at that place since Ward became the proprietor? A. No, sir.

Q. Have any special efforts been made to ascertain whether that place is being run, since Ward became the proprietor, in an orderly manner? A. There has been arrests made there for violations of the excise law since Ward has been proprietor.

Q. How many? A. One.

Q. Who was arrested? A. Well, I don't know; I couldn't give you his name; it was the bartender; his license expired on the fifteenth and he didn't get the license for the place until about the seventeenth, and he was arrested on the seventeenth for violation of the excise law, selling without license.

Q. The fifteenth and seventeenth of what month? A. This month.

Q. The present month? A. May; yes, sir.

Q. Do you know when Ward became the proprietor of that place? A. The fifteenth day of May his license specifies.

Q. Now, since the fifteenth day of May, that is, during the last ten days, ten or twelve days, have you made efforts to ascertain whether that place is being conducted in a lawful manner now, outside of the question of this arrest; I mean the public who congregate there? A. Yes, sir.

Q. What have you ascertained in that regard; is there any improvement in that regard? A. I have not heard of any violation of the law being committed; the place is being altogether altered around that neighborhood since last year.

Q. Has that place, since the fifteenth of the present month, been frequented by the same class of people who were in the habit of congregating there under Doyle's régime? A. No, sir.

Q. Do you think there is an improvement in that respect? A. I think there is an improvement in that respect, because there is a lot of places torn down where those people used to work.

Q. You think a large number of that class of people have deserted your precinct? A. Yes, sir.

JOHN H. MCCULLAGH, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your occupation? A. Police captain.

Q. How long have you been police captain? A. Eighteen years past.

Q. How long have you been on the force? A. Going on twenty-seven years.

Q. What precinct are you in command of? A. The fourteenth.

Q. How long have you been in command? A. About fourteen years.

Q. Describe this precinct by giving its boundaries? A. It commences at Houston, the north side of Houston street to the Bowery, Fourth avenue, Fourth avenue to Fourteenth street, Fourteenth street to Avenue B, the west side of Avenue B to Houston.

Q. Does it take in both sides of the Bowery? A. One side, sir.

Q. The west side? A. The east side of the Bowery, and the east side of Fourth avenue.

Q. Captain, do you know a place called The Mart? A. I do, sir.

Q. You recently assisted in having that place pulled? A. I did, sir.

Q. Were you called upon by the board of excise to make a report on that place before it was licensed? A. I think I was, sir.

Q. Is that your report [counsel presents paper to witness]? A. That is my report, sir.

Q. Now, this report was signed on the 5th of February, 1890; that is the present year? A. Yes, sir.

Q. Was that place open prior to that time? A. It had been; yes, sir.

Q. Who had been running it prior to this time? A. There was two partners there, two Germans, I forget their names.

Q. What had been the character of the place? A. Their character was the same as any ordinary saloon or liquor store.

Q. Did it not have a pretty bad reputation? A. No, sir.

Q. Did you never hear anything about the place? A. Never any complaints had been made to me about it, sir.

Q. Do you wait for complaints to find out about a place? A. I do not.

Q. How do you go about finding out? A. Find out for myself; my own personal knowledge.

Q. Did you go into that place, The Mart? A. I have, sir, several times.

Q. It was pulled last week? A. Yes, sir.

Q. Then it developed into a bad place between the fifth of February and the time it was pulled? A. The party that you saw in my report there, is not the party that has got it now; I reported on a man by the name of Bush, and men named Walsh and Sullivan have been running it since; when I found out Sullivan and Walsh were running the place, then I went for it afterwards.

Q. Are they running it under Bush's license? A. They must be.

Q. How do you know that men like Walsh and Sullivan are running a place, when the place is licensed to another party? A. By going in there and observing and seeing what is going on; find out for myself.

Q. Finding them in command? A. Yes, sir.

Q. What does Bush do there? A. I have not seen Bush.

Q. Have you never seen him there? A. I have not seen him there since the other parties was there.

Q. Did you ever see him? A. I think I have.

By Senator Fassett:

Q. Since the license? A. No, sir; I have not seen him since the affair.

By Mr. Ivins:

Q. It looks then as if there were humbuggery somewhere in this, does it not? A. I don't know; it might be.

Q. As if Mr. Bush had got a license for the benefit of others? A. That is done on several occasions, not in this case alone.

Q. Who were Walsh and Sullivan? A. I found out about three or four days after this license was renewed that they were bartenders for McGlory.

Q. Did they inherit all of McGlory's glory in the way of reputation? A. Considerable, in my opinion.

Q. Considerable, and that was what attracted your attention to it? A. Yes, sir.

Q. And this was being run as a sort of a McGlorious kind of a place, was it? A. Well, it was run kind of sociable.

Q. Kind of sociable? A. Yes, sir.

Q. Was it a place which was simply being run kind of sociably, a place that would attract your adverse attention? A. Yes, sir.

Q. Bush's is run kind of sociably too, is it not? A. Bush is not there now.

Q. Blank's is run kind of sociably? A. Blank's is a decent place?

Q. It is run kind of sociable? A. Yes, sir.

Q. I want to get down to your terminology? A. I mean to say I never found so much disorder in this Mart; I found men and women sitting there and drinking beer at small tables; it might hold seventy, if they were pretty thickly seated around the room, at tables.

Q. You have seen people there whom you, as a police officer, knew to be crooks, did you not? A. I did.

Q. And you have seen women there whom you, as a police officer, knew to be improper characters? A. Yes, sir.

Q. You knew that this place was being frequented by such? A. I did, sir.

Q. But you say prior to the time of this report you never knew of the place having been frequented by such people? A. It hadn't come to my knowledge.

Q. How did you make the inspection on which your report was made, personally or by the aid of your subordinates? A. I generally make my excise reports myself.

Q. But in this particular case? A. In that particular case, I think I made it myself; I am pretty sure I did.

Mr. IVINS.—I find in this case, if the committee please, that this witness did not seem to think it was necessary to give a categorical answer to the question as to good moral character. He answered: "I don't know nothing detrimental to his character."

Q. How much investigation did you make in regard to that man's character? A. Well, I made inquiry of some of those that knowed him.

Q. What did you find out about him? A. That he was a man that was a decent man and borne a good, fair reputation.

Q. You did not find out though that he was so closely connected with these two McGlory men, that they were going to keep the place? A. No, sir.

Q. Do you think you could have found that out if you had tried and prosecuted your inquiry thoroughly? A. Well, I don't know; they don't generally tell the police officers all they know.

Q. Have police officers ever succeeded in finding out anything that the offenders do not want them to know? A. Sometimes they do.

Q. Sometimes? A. Yes, sir.

Q. Do you know of any reason why the said person should not be licensed; your answer was "I do not"; "has any part of the

premises been so used, that is for gambling, immoral or unlawful purposes," and you answered never to your knowledge? A. Yes, sir.

Q. Now, that all involved a certain amount of diligent thoroughness and care, did it not in the preparation, to make that report? A. Yes, sir.

Q. Can you remember any of the people to whom you went to make these inquiries? A. Now, I do not; I make my inquiries generally, and if I did make an inquiry of a person, and the parties gave me an answer that the party was of bad reputation, and not a good character, I don't think it is fair —

Q. Well, tell how you came to break up the place; what you did with Inspector Williams; why you thought it necessary to send for Inspector Williams to bring in his men; describe what kind of a place it was at the time that you broke it up, and what was going on there? A. On the seventh of February those people took charge of it that is there now, Sullivan and Walsh.

Q. That was two days after your report? A. Yes, sir; on the ninth of the same month I arrested them for violating the excise law; on the ninth of March I arrested them again, and on the twenty-fourth of May, the third time, raided the place; on two occasions, I got evidence myself, and the officers with me, that they was violating the law in this place; on several other occasions I went in, and they would not sell myself or my officers any drinks after hours; I went to Inspector Williams and told him.

Q. Did you and your officers ever go there to get drinks during the hours when on duty? A. Well, very seldom; I don't think at all.

Q. It is against the regulations, is it not? A. In uniform; yes, sir; I just went to Inspector Williams, and I told him that myself and my men was too well known, and requested the inspector to get some strange men from the different precincts, and send them in there and get evidence; I thought those people was not fit to run a place, and it should not be run in such a way; the inspector told me all right he would do it, and in two or three nights after we pulled it.

Q. What did you find going on there at the time you pulled it? A. Well, I think we got some over sixty odd prisoners, men and women there sitting around small tables drinking.

Q. Some high kicking going on? A. I did not see any high kicking when I was there.

Q. I think the inspector testified to that? A. Well, I didn't see any; he was in ahead of me; it is not likely that they would kick, and I am present.

Q. You do not think he would be able to see the high kicking better because of his greater stature? A. Well, he was in the building about five minutes ahead of me, and, of course, when a police officer goes in a place that way, generally they are quiet, you could hear a pin drop sometimes; I suppose it was that way with Williams; I had a platoon of men, and I was keeping them so as to guard the doors, and not let the prisoners out.

Q. Now, tell us what became of the cases of which the arrests were made? A. They are in court, sir.

Q. They are in court? A. Yes, sir.

Q. A good many cases of that kind in court in your precinct? A. Yes, sir.

Q. What would happen in your precinct, so far as aids in enforcing the law, if there should be eight or ten trials and heavy punishment inflicted? A. I think you would have to get a jimmy to break open a door to get in afterwards.

Q. Do you think if that were done two or three or four times a year, and these people did not know when it was going to be done, or whose turn was coming next, and the district attorney and the courts enforced the law strictly, that you would have so much difficulty in enforcing the law? A. Not near so much difficulty, sir.

Q. What do you, as an expert and an aged officer, regard as the weakest spot in this excise system, from the point of view of enforcing the law? A. I think, in my opinion, that the excise commissioners ought to consist of the board of police, the same as it used to.

Q. Were you in the force at that time? A. Yes, sir.

Q. What was your experience at that time as to the way in which the laws were enforced and illicit or unlawful liquor traffic kept under control, as compared with the way in which it is done to-day? A. If you wanted to get a drink you had to go over to Jersey to get it, then.

Q. That is, after hours or on Sundays? A. Yes, sir.

Q. Were there as many places of disreputable repute in the city in those days as now, dives and dens, in proportion to its population? A. No, sir; I think not, sir.

Q. Do you think that the drinking evil and the social evil, as incident to or connected with it, has increased disproportionately to the growth of population of late years? A. I think it has; yes, sir.

Q. Do you think it has increased disproportionately to the increase in the police force? A. Yes, sir; I think it has.

Q. Now, you know Murphy's place, do you not, in your precinct? A. Sixty-nine Third avenue; yes, sir.

Q. What kind of a place is that? A. Well, it is about one of the

quietest places in my precinct at the present time, and has been since Mr. Murphy opened it.

Q. Murphy was a disciple of Mr. McGlory, was he not? A. So I understand; yes, sir.

Q. Educated in the college on Houston street? A. Yes, sir.

Q. Now, did you know that at the time that you reported upon his moral character? A. I did not, sir.

Q. How do you account for the fact that you did not know that then? A. Well, I can't account — while I didn't find out, I found out shortly after.

Q. McGlory's place had been in your precinct? A. Never.

Q. Was it not in your precinct? A. No, sir; it was in what they call young Captain McCullagh's precinct.

Q. Then you do not know everything that young Captain McCullagh knows? A. No, sir; and he don't know all I know.

Q. What inquiries did you make to find out about this man? A. I made inquiry as far as I knowed how, in a general way, about this party that was coming, this Murphy, and found out about a few days after I made that report that he was a disciple of McGlory's; then I went — this was before the license was granted — I went to the excise board and saw the commissioners, Mr. Meakin and Mr. Fitzpatrick, and I told them in regard to this myself, and Inspector Williams, too; I told them that I heard that this man was not a fit party to license, and in my opinion he should not be licensed.

By Senator Fassett:

Q. That was before the license was granted that you made that report? A. That I made that report.

By Mr. Ivins:

Q. And you considered that report at that time and you consider it now as not being of any value whatever? A. No, sir.

Q. You do not think that report was of any value? A. No, sir.

Q. Then you reported, "I have made inquiry and can not find out?" A. I did.

Q. So that you would not think that the commissioners of excise would be justified in taking any step on that report in any form? A. Well, I wouldn't want to pass an opinion on the board of excise, what they should do.

Q. Well, that is purely negative is it not? A. Yes, sir.

Q. It simply shows that so far as you were concerned you did not know anything and could not find out anything? A. No, sir.

Q. Are you confident that the license had not already been granted at the time you protested in person? A. Yes, sir; I am sure it had not, Mr. Meakin told me it had not and he said he wouldn't vote for it, and I understood he did not vote for it.

Q. Now, after the license was granted, and this man whom you thought to be an improper man to be licensed was, nevertheless, given a license by the board of excise to display himself in the sale of liquors in your precinct, what did you do in regard to the individual? A. I went to his place, 69 Third avenue and I told him, I said "I understand you have got an excise license; he says, "yes;" said I "I understand you are going to have some women, going to have dancing here and so on."

Q. Was the place fitted up for a dancing-room? A. Yes, sir; down stairs; I says, "I want you to understand the first time you have a woman come in this place and sit down, I will make a prisoner of you and arrest you and take you to court."

Q. Has he ever had women there? A. No, sir; not to my knowledge; I have went into his place at least four times a week.

Q. Personally? A. Personally myself.

Q. Do you do that with all these disreputable places as thoroughly and carefully as that? A. Yes, sir; where I find out a disreputable place in my precinct I visit it myself, personally.

Q. Then if there is a disreputable place running in your precinct, you are personally responsible for it and recognize your personal responsibility? A. Yes, sir.

Q. Is that so in regard to lottery and policy shops, gambling places? A. Yes, sir.

Q. How many gambling places are there in your precinct? A. Not a gambling place in my precinct or a policy shop that I can get evidence of or get into it.

Q. Or a lottery shop? A. Or a lottery shop.

Q. Or a pool-selling place? A. Horse pool?

Q. Yes. A. No, sir; not one.

Q. Well, if it were found that there were, you would feel responsible for their being there would you not? A. I would.

Q. Would you be surprised if I could put you in possession of the fact that there were? A. If you can take me to a gambling house in my precinct and get in, I will give this committee my shield to give to the commissioners and resign my office.

Q. If I can take you in? A. If you can take me in or take one of my officers in.

Q. Now, then, Murphy's place has been kept from being a disreput-

able place simply from the excruciating care you have devoted to the place? A. With the help of Inspector Williams; he lives the next block to it.

Q. How near do you live to it? A. I live on Forty-eighth street and Williams lives only a block from it.

Q. It would be rather a nuisance in Williams' neighborhood? A. Yes, sir.

Q. That is what made him say he would rather it was in some other fellow's neighborhood instead of his own? A. Yes, sir; I suppose so.

By Senator FASSETT:

Q. Captain, you said that the license was taken out by Bush for the benefit of a couple of other fellows, what were their names? A. Sullivan and Walsh.

Q. How did you find out that this license was taken for one party for the benefit of another? A. Well, I didn't say that it was taken for the benefit of another; I didn't know that; my personal knowledge, sir; but I suppose it.

Q. You said there were several other places where the same thing was true? A. Yes, sir.

Q. What were they? A. Well, where excise licenses is revoked, if I got a place and the excise board don't want to license me, they will go to some friend and get it on another name and the excise commissioners is not responsible; they don't know; they think it is a stranger.

Q. Are there any places in your district where the license reads in the name of one man and the man actually in possession is the same fellow whose license has been revoked? A. Yes, sir; there is plenty of them; I could go in and see the same parties in charge and they say to me, "I am bartender, I am employed by this man."

By Senator AHEARN:

Q. As soon as you found out that fellow was not the proprietor of that place you arrested him? A. Yes, sir.

Q. For violation of the excise law? A. Yes, sir; immediately.

Q. Some question has been raised here about the respectability of Blank's place? A. Yes, sir.

Q. Do you know about Blanks' place? A. He has kept in my precinct since ever I have known of the precinct and I look upon Blank's place as one of the most respectable places in the seventeenth ward and all that has been said against Blank has been a great injustice, because there is most respectable German families goes there and patronize Blank; there may be some people that go there

that is off-color but not a women goes into Blank's place without an escort; not one.

By Senator AHEARN:

Q. Would you bring your family there? A. My wife and children and wouldn't hesitate; I have often gone there and had my meals there; he serves you with a lunch and I go there often and eat there.

By Senator FASSETT:

Q. What constitutes a disorderly place in your judgment, disorderly drinking saloon or concert hall, or rather, I will ask you the leading question in this way; does the mere visitation of a saloon by harlots, thieves and crooks constitute a place; a disorderly place? A. Yes, sir.

Q. It does? A. Yes, sir.

Q. No matter how well they behave when they are inside? A. Well, that I wouldn't say, sir; but I think if —

Q. If it is a habitual resort of such people? A. Yes, sir.

Q. Supposing, in with a lot of respectable people who patronize the place there is a large percentage of prostitutes and crooks of all sorts; would that constitute a disorderly place? A. No, sir.

Q. It would not? A. No, sir; except there was kicking and dancing and carousing and singing.

Q. So long as these people do not apply their trades? A. And their vocation in that place.

Q. Are there such places in the city where the majority of the patrons are of this class of society where they keep them pretty well under restraint? A. Yes, sir; I think so; oh, yes.

Q. Those you would not call disorderly places? A. I would not, sir; as long as they behaved themselves; I think it is better to have such people in under the roof than to have them out on the street; those street-walkers that make a living in that way has got to go somewhere, and it is better to have them inside.

Q. Well, that is the theory on which the police operate is it not, in keeping a surveillance over these dens? A. Yes, sir.

Q. Over these saloons, I mean? A. Yes, sir.

Q. That it requires some over violent and noisy breach of the peace or the law to constitute a disorderly place? A. Yes, sir.

Q. And if a man had been for just keeping a place which was patronized largely by individuals of the class I have described; if he managed to keep them under discipline, there would be nothing in that fact to prevent you or your officers reporting to the excise com-

missioners that he was of good moral character? A. Well, I don't think I would report where I know that it was a house of that kind; I don't think I would report to the excise commissioner if I knowed that there was crooks around there, and so on; I would state that in my report.

Q. You did not mean to be understood as saying that although Mr. Blank keeps a very quiet and orderly place, that quite a percentage of his patrons are off-color? A. Quite a percentage; I don't think three per cent of the patrons off-color.

Q. It is almost unavoidable is it? A. Yes, sir.

Q. He keeps them well disciplined there? A. Yes, sir; and there is not any of the public press that has made any allusions to Blank except one paper, and that is the *Press;* last Sunday the *Press* had an article in it.

Q. Did they not have some special reason for it? A. I haven't the slightest idea; it had an article that there was some gambling houses in my precinct, and gave the numbers, and they are two vacant lots owned by a judge of the Supreme Court.

By Mr. Ivins:

Q. Is that journalism? A. It is the *Press*, sir; the *Press* paper; I don't mean the press at large; the *Press* paper.

By Senator Fassett:

Q. They got the numbers wrong? A. They also published an article that there was a gambling house 318 East Fourteenth street; my own precinct, and which one of my detectives lived in about ten years, and he rents it out to different families; he went down to the proprietors of the *Press* and saw them about it and there has been a contradiction in the paper within the last day or so in regard to it.

Q. I suppose even police officers are sometimes mistaken? A. Yes, sir.

By Mr. Ivins:

Q. Does the *Press* circulate well in your precinct? A. I can not say it does.

Q. Do you know how extensive a force is connected directly with the board of excise, number of inspectors? A. Police officers?

Q. No; excise board? A. I don't know anything about it.

Q. Would you think that excise board, having some sixty inspectors, was sufficiently equipped to ascertain all the violations of the excise law and prevent them or to guard against them in the future? A. They want about 360.

Q. So that you think that as constituted, the excise law can not be enforced by the excise board other than it is to-day, is that it? A. I think they do the best they can.

By Mr. IVINS:

Q. Do you know anything about how well they do what they can? A. No; I don't, Mr. Ivins.

Q. Have you ever assisted an inspector in making an inspection of a place, personally? A. Not under this board, I don't think.

Q. Has any inspector under this board come to you, as a captain in your precinct, and asked you to tell him anything about the character and reputation of the place? A. Not any under this board.

Q. Have you any knowledge at all as to the amount of care which is taken by the inspectors of the present board in reporting? A. Not only what I read from the papers.

Q. Did you read anything in the papers this morning about it? A. No, sir; I have not read the papers but very little this morning.

Q. Is it not equally true, so far as you know, if the inspector did the work in the way in which you do it now, you would require 5,000 inspectors as well as 300? A. I couldn't say.

By Senator FASSETT:

Q. How many times have the excise commissioners given licenses against your protest? A. Well, I don't think I have protested to this board but this one time.

Q. And this time they overrode you? A. Yes, sir.

Q. Have you heretofore had any experience where license was issued contrary to your protest? A. I have had some cases, but I couldn't go into them.

Q. You can't remember them? A. I can't remember them.

Q. It has happened heretofore? A. It has happened heretofore; yes, sir.

Q. Well, were you and Inspector Williams very emphatic in your protest against this thing? A. Yes, sir; we was.

Q. How do you account for the fact they gave the license after such a protest? A. I can't account for it, sir.

Q. Do you remember when it was that the police commissioners ceased to be excise commissioners also; it was prior to 1873, was it not? A. Yes, sir.

Q. It was the charter of 1873 that made that change? A. Yes, sir.

JOHN F. CARROLL, being called and duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your occupation? A. Clerk of the Special Sessions.

Q. How is that court constituted? A. By three judges.

Q. In three police justices, designated by the board police justices to so sit? A. Yes, sir.

Q. They have jurisdiction of excise cases, do they not? A. Yes, sir.

Q. These cases can come to the Court of Special Sessions either from the police court direct or from the district attorney's office, can they not? A. Yes, sir.

[Counsel presents paper to witness.]

Q. Is that a statement of the number of cases in detail that have been tried and disposed of in one form or another by the Court of Special Sessions during the time from the first of May, 1889, to date? A. Yes, sir.

Q. This recapitulation at the end of the statement is accurate? A. Yes, sir.

Q. By this I find that there have been 340 cases of violation of the excise law before this court; that of these twenty-four were discharged, 104 were acquitted, 200 were convicted, the bonds of five were forfeited and twelve cases are now pending; that of this total number, 130 were received direct from the police courts and 215 were received from the Court of General Sessions through the district attorney's office? A. That is correct.

Q. And that is all the cases that have come before this particular court for more than a year? A. Yes, sir.

Q. Now, I find in these cases, where there has been a disposition of a case on conviction, that the fines have been imposed to the extent of thirty dollars, twenty-five dollars, and so on; is there any case in which there has been a conviction resulting in an imprisonment? A. No, sir.

Q. Then out of 345 cases, there has been no imprisonment? A. No, sir.

Q. The average fine, as I find as it runs here, is twenty-five to thirty dollars, the minimum fine? A. Yes, sir.

Q. Twenty-five dollars is the minimum fine in what is called "society cases," is it not? A. Yes, sir.

Q. Aside from this result it would appear that out of 345 cases there have been 104 acquittals? A. Yes, sir.

Q. And out of the cases where there have been convictions, which are just 200, there has not been a penalty of imprisonment imposed?

A. I recall a case tried in January or February of this year where I think imprisonment was imposed.

Q. In one case? A. I am not certain about it.

[Paper referred to by the witness was marked Exhibit No. 1 of this date.]

Q. This is the only report of the board of police justices for the year ending October 4, 1889? A. Yes, sir.

Q. Are you clerk of the board of police justices? A. No, sir.

Q. Who is? A. George W. Cregier.

Q. As clerk of the Special Sessions, however, you can identify that document? A. Yes, sir.

Mr. IVINS.—I will refer to that to be not incorporated in the minutes but to accompany the papers which will form the final report of this committee.

The committee at this point took a recess until half-past 2.

AFTERNOON SESSION.

JOHN F. CARROLL, recalled:

By Mr. IVINS:

Q. Mr. Carroll, I understand you want to correct your testimony in one regard? A. In regard to the number of convictions where there were imprisonments made during the time of the report.

Q. How many were there? A. I find there were about five.

Q. How many have been made since you have been there? A. One.

Q. How long have you been there? A. December, 1889.

Q. That is all that you want to correct your testimony about? A. That is all.

CLARK BELL, called as a witness, and being duly sworn, testified as follows:

By Mr. IVINS:

Q. Are you a resident of New York? A. I am; I reside at No. 108 West Forty-fourth street.

Q. What is your business? A. I am an attorney-at-law.

Q. As a resident in that neighborhood, do you know anything about the place on the corner of Sixth avenue and Forty-fourth street? A. I do.

Q. Known as the Sixth Avenue Hotel? A. So called.

Q. Is there a liquor license for the sale of liquor at that place? A. I understand there is.

Q. Do you know in whose name that license runs? A. John F. Griffith's.

Q. Have you, as a citizen and a neighbor, ever had occasion to examine into or prosecute any inquiries concerning the character of that place? A. I have; I am the attorney of the Forty-fourth Street Association, an organization of residents of that street, organized for the purpose of suppressing disorderly houses in the street.

Q. Will you tell the committee what the character of that association is? A. It is an association of the residents and property owners in the street between Sixth avenue and Broadway, organized for the purpose of suppressing disorderly houses in the street.

Q. Were there so many disorderly houses in that street as to incite such an action? A. We felt that there was.

Q. How many disorderly houses has that association made complaints against? A. We have suppressed all the disorderly houses in the street, with the exception of this place kept by Mr. Griffith.

Q. What is the character of this house kept by Mr. Griffith? A. It is a house of assignation.

Q. How do you know that it is? A. It is one of the most notorious houses of assignation in the city of New York.

Q. What is the source of your knowledge in that regard? A. I have resided in the street for many years, and I have owned property in the street for a long time — the house in which I now live; that house has been kept as a house of assignation for the past twelve or fourteen years.

By Senator McNaughton:

Q. You do not mean the house where you live? A. No; of course, I mean the house kept by Mr. Griffith.

By Mr. Ivins:

Q. You know that is its reputation? A. Oh, every one familiar with that locality knows that to be its general reputation.

Q. Do you know of any specific instance in which it has been used as such? A. I have, while residing in the street, been conscious of its being used in that respect for the past four or five years.

Q. Have you seen men and women going in and out there? A. Yes; repeatedly.

Q. Women who, to all outward appearances, were loose and disreputable characters? A. I have seen women that I believed were prostitutes going in there frequently; I have seen couples enter there frequently, and come out of there frequently, and I have seen women

come out of there alone, and seen them go in there alone, and seen all the indications of a house of assignation.

Q. Was your attention ever called to any specific case on the part of any man or woman, in which it has been used for that purpose? A. As counsel for the Forty-fourth Street Association, I have abundant evidence that it has been so used.

Q. What is the character of that evidence? A. It has been two-fold; the statements of residents of the street who are familiar with what has been going on, cabs being kept standing in the street late at night by the side entrance in Forty-fourth street, nearly opposite my residence; and all the usual agencies and accessories of a house of assignation, first; and, secondly, statements of persons who have visited the house with women for illicit purposes, who have given me the information as counsel for the purpose of procuring the indictment and conviction of the proprietor.

Q. So that as a lawyer, you think that the evidence with regard to the character of that house, is not only sufficient to justify the belief of the neighbors that it is a house used for immoral purposes, and properly enjoys the reputation of a house of ill-fame, but that the evidence is sufficient to prove it to be so legally? A. I have received statements from a considerable number of persons who have visited the house with lewd women for the purpose of using it in that respect, sufficient to justify me in the belief that I could indict the proprietor; and I have proceeded with that evidence in my possession.

Q. Have you secured an indictment? A. Yes; I have secured an indictment from the grand jury, on the twenty-ninth day of April last, against the proprietor as the keeper of a disorderly house for violations of two sections of the Penal Code.

Q. That indictment is pending? A. It is now pending.

Q. Was the defendant arraigned? A. He has been arraigned.

Q. Did he plead? A. I am informed by Judge Bedford that he pleaded not guilty by his counsel, Commissioner Koch of the board of excise; I have Judge Bedford's letter here somewhere.

Q. Just get that letter, if you please; do you mean to say that Commissioner Koch appeared and entered a plea for this party on this indictment? A. I was not present, but I was so informed by the chief clerk of the district attorney's office.

By Senator FASSETT:

Q. When was this? A. On the fifth day of May.

Q. This year? A. Yes, sir.

Q. Was Mr. Koch at that time an excise commissioner? A. Yes.

By Mr. IVINS:

Q. Have you found that letter of Judge Bedford's? A. Yes, sir; some time about the tenth of May I wrote to Judge Bedford requesting him to inform me, as counsel for that association, of the case and when it would likely to be moved for trial, stating that I had been informed by the chief clerk that Judge Koch had appeared as counsel for Griffith, and I received his reply, which I have here [producing letter], dated the tenth of May.

Q. Just read it, if you please? A. [Reading.] "District Attorney's Office, City and County of New York. May 10, 1890. The People vs. John Griffith. Clark Bell, Esq. Dear sir.—The accused arraigned the other day for pleading. Judge Koch is his counsel. A plea of not guilty was entered. No day has yet been fixed for trial." The remainder of the letter has reference to information bearing upon the case and can be read if necessary.

Q. It is not necessary. A. Then I won't read it.

By Senator MCNAUGHTON:

Q. What Koch is that? A. The commissioner of excise.

By Mr. IVINS:

Q. Was the present license granted by the present board of excise? A. I have learned from information derived from the board of excise — the secretary is here and can give you the exact information — that on the 25th day of April, 1890, a new license was granted to him, the old license having on that day expired.

Q. So that if a license was granted on that day it was necessarily a license granted by this present board of excise? A. The license granted by the present board of excise bears date the 25th day of April, 1890.

Q. Do you know whether Judge Koch voted in favor of granting that license? A. I do not.

Q. Did you file any protest with any one against granting that license? A. I did not, for I did not know that any application was made for a renewal of the license.

Q. How long had the place been licensed? A. I am unable to answer that question.

Q. Had it been licensed for two or three or four years? A. It is within your power to ascertain exactly that from the excise commissioners; I saw, however, from the secretary, by the papers, that it had been licensed before that, and that the license expired on the 25th day of April, 1890.

Q. Was the same person to whom this license runs the person who had been in charge of the premises and exercising the rights of owner-

ship or lesseeship? A. John F. Griffith is the lessee from the owner; the owner was Jacob Cohen, and he is now dead, and it is in his estate.

Q. How long has John F. Griffith been in the possession and occupancy of the premises? A. Seven or eight years, at least.

Q. Did you, in behalf of yourself and your association, make any protest to the police regarding the character of this place? A. On the ninth of April I addressed a letter to Captain Killilea, of which I have a copy here; shall I read it?

Q. If you please? A. [Reading.] "Forty-fourth Street Association, president, J. C. Sanders, Esq., No. 119 West Forty-fourth street; treasurer, John H. Hindley, No. 118 West Forty-fourth street; secretary, Leon Deutsch, No. 139 West Forty-fourth street; board of management, Clark Bell, Leopold Cohen, Wm. H. Marston, Wm. McKee; attorney and counsel, Clark Bell, No. 108 West Forty-fourth street; New York, April 9, 1890; Capt. Killilea, captain twenty-second precinct, station No. 347, West Forty-seventh street; dear sir: I enclose you copy of the action of the Forty-fourth Street Association of January twenty-eighth last, to advise you of the situation in our street; the houses of prostitution on southwest corner are in part removed, and we shall clear those without calling in your aid; we, however, shall need you assistance in regard to the house of assignation kept by John F. Griffith, on the northwest corner of Sixth avenue and Forty-fourth street — No. 777 Sixth avenue; the entrance to that part of the house used for purposes of prostitution and as rooms for assignation are on Forty-fourth street, and they are a great annoyance to our families in the street; we have already abundant evidence, but what we desire of you is to station a policeman for thirty days at the entrance on Forty-fourth street, or the sidewalk, from 10 A. M. to 12 P. M., instructed to keep an account of the number of those who enter, time they remain, names when known, and report; I am acting under advice of authorities in calling in your aid; respectfully yours, Clark Bell, attorney for the Forty-fourth Street Association;" attached to that letter was a printed copy of our action of January twenty-eighth, as follows: "Forty-fourth Street Association; president; J. C. Sanders, Esq., No. 119 West Forty-fourth street; treasurer; John H. Hindley, No. 118 West Forty-fourth street; secretary; Leon Deutsch, No. 139 West Forty-fourth street; board of management; Clark Bell, L. E. Schoonmaker, George S. Lespinasse, Dr. Jos; attorney and counsel, Clark Bell, No. 108 West Forty-fourth street; New York, January 28 1890; at a meeting of the board of management of this association, held pursuant to call of the president, at 119 West Forty-fourth street, president, J. C. Sanders in the chair; in the absence of the secretary, on

motion of Mr. Bell, Mr. Lespinasse was chosen secretary pro tem; the president stated that the meeting had been called to consider what steps could be taken to suppress the disorderly house on the corner of Sixth avenue and Forty-fourth street, over the store in the building occupied by Messrs. Houston & Steinle, and the assignation house on the northwest corner of the same street, against which complaints were made by residents; Mr. Lespinasse moved, after informal discussion, that the attorney of the association be instructed to take all steps known to the law to bring the owners, lessees and occupants of these premises to justice for keeping and permitting these disorderly houses to be kept open, and also to proceed against the agent Mr. da Cuhna who had leased the rooms in the store occupied by Houston & Steinle for purposes of prostitution; which motion was carried, unanimously; it was moved, and carried unanimously, that the said attorney be instructed to notify the owners of the property that these premises were now used for illegal and disorderly purposes and in violation of law, and of the action of this body instructing him to take legal proceedings to abate the nuisance which affected the character of the street and the value of the property therein for purposes of residence of families; it was moved by Mr. Lespinasse that the treasurer be directed to send out bills for, and collect dues of, ten dollars each from members, and to invite all residents and owners of the street to unite in the organization; it was on motion, resolved that the members of the board of management be requested to sign their approval of the foregoing action; J. C. Sanders, president; Geo. S. Lespinasse, Secretary, pro tem; we concur and approve: L. E. Schoonmaker, Joseph Finch, John H. Hindley, Clark Bell."

Q. What did you mean in the first paper that you read, the letter of April ninth, by the expression "I am acting under the advice of authorities?" A. I decline to state that; I think it affects the prosecution of the criminal indictment, and unless pressed by the committee, I prefer not to state it.

Q. Were they the police authorities or the authorities of the district attorney's office? A. They were not the police authorities; I will say that much; now, the answer that I received the next day from Captain Killilea, dated April tenth, is as follows:

POLICE DEPARTMENT OF THE CITY OF NEW YORK, PRECINCT NO. 22,
NEW YORK, *April* 10, 1890.

CLARK BELL, Esq.:

DEAR SIR.—On receipt of your communication of the ninth instant, I immediately investigated the matter complained of, and I find that

every family in the house on the southwest corner of Sixth avenue and Forty-fourth street have moved out, and the house is entirely vacant above the store. As to detailing a man on the northwest corner, for the purpose mentioned, I would gladly acquiesce in your request, but it is out of my power to do so, but I would suggest that you call upon Superintendent Murray, and probably he will grant your request.

Very respectfully yours.

THOMAS KILLILEA,
Captain.

Q. What followed upon the receipt of that answer? A. In what respect?

Q. Either in regard to further communication with the captain of police, or with the superintendent of police, or with the commissioners of police, or with the district attorney, or any one? A. I never had any further communication with Captain Killilea in regard to it; he made no request of me of any sort as to the character of the evidence that I had; I then immediately communicated with Mr. Murray, the superintendent of police.

Q. What form was that in? A. In the form of a letter dated April 14, 1890; if you will allow me, I will read it.

Q. Certainly. A. That letter is as follows:

NEW YORK, *April* 14, 1890.

HON. WM. MURRAY, *Superintendent of Police:*

DEAR SIR.—I inclose you:

1. The action of our association regarding the houses on corner of Forty-fourth street and Sixth avenue.

No. 777 is a house of assignation kept by John F. Griffith; he resides at No. 324 West Forty-seventh street.

The property is owned by the estate of Jacob Cohn, deceased, from whom Griffith leases it.

The names of the executors of the estate are Rebecca Cohn, 347 West Twenty-eighth street; Isaac K. Cohn.

It has been kept as a house of assignation for some time.

2. I inclose you a copy of two letters sent Griffith.

1. March 8, 1890, by mail.

2. April 8, 1890, served on him by one of our board, to whom he acknowledged the receipt of the letter on eighth March — to which he made no reply.

3. Copy of letter sent executors of Jacob Cohn and served on one of his sons, at the residence of Rebecca Cohn, who was said to be ill.

Mr. Griffith had the letter in his possession when our manager talked with him, as also the letter I had sent Captain Killilea of which I also inclose copy.

4. Copy letter sent Captain Killilea:

We have, without calling on the aid of the police, succeeded in clearing out the prostitutes from the first, second and third floors of the building on southwest corner of Forty-fourth street and Sixth avenue, owned by James J. Greenwood, and rented by Houston & Steinle. The landlord co-operating with our association and the case going to the grand jury, preliminary, where it is suspended for the present and will not be pressed unless they again put in similar characters.

Captain Killilea replied to our communication stating that he had not the power to detail the policeman as desired, but recommended that we apply to you, and that he thought you would detail the policeman as requested.

Mr. Griffith ignores our letters and has stated to our manager who called, that he,

1. Will not close the side door nor abandon the business.
2. He is willing to keep it as quiet and well regulated as possible.
3. He will fight us to the bitter end, etc., etc.

He has taken the next building north and cut through so that all the floors over both buildings are now used for this purpose.

We ask your assistance in remedying this evil.

We did not ask Captain Killilea to obtain evidence.

The place being notorious for some time, but in addressing you we shall leave you to exercise of your discretion as to using the detective force, or to taking such steps as you regard as proper to bring these offenders to justice and stop the violation of law.

We have evidence sufficient to act and convict.

If you will station a policeman at the side entrance in Forty-fourth street for a few weeks from 10 A. M. to 12 P. M., who can be relied upon, and whom he can not influence, it would aid much in bringing him to terms, as is believed.

The Sixth avenue entrance is closed, he being under the impression that people would not enter the place as a house of assignation from the brilliantly lighted avenue.

Will you please thoroughly investigate, and aid us in our efforts to clear this street. We have put out every other disreputable party out of the street except one.

Yours.

CLARK BELL,

Attorney for the Forty-fourth Street Association.

On the fifteenth of April, Mr. Murray acknowledged the receipt of the communication, and invited me to an interview for the following Saturday, the nineteenth. I replied that I was obliged for his note, but that it was important from our view that he detail the policeman immediately, and that the delay until Saturday would prejudice the public good. "What the association desires is co-operation, and immediately. Are you willing to act?" He replied on the eighteenth of April, as follows:

POLICE DEPARTMENT OF THE CITY OF NEW YORK,
SUPERINTENDENT'S OFFICE, 300 MULBERRY STREET,
NEW YORK, *April* 18, 1890.

CLARK BELL, Esq., 57 *Broadway, City:*

MY DEAR SIR.— Your favor of sixteenth to hand. In reply thereto, I will state that I made the time Saturday, thinking it would suit your convenience best, but I shall be pleased to see you at any hour you can make it convenient to-day, at any time.

Very respectfully yours.

WILLIAM MURRAY,
Superintendent.

On the same day, I sent him the following letter:

NEW YORK, *April* 18, 1890.

HON. WM. MURRAY, *Superintendent of Police,* 300 *Mulberry Street:*

DEAR SIR.— I have received yours of this date in response to mine of sixteenth, and laid it before my associates. We regret that you do not feel willing to grant our request. We ask for your co-operation and assistance in one respect. I find it impossible to call upon you as requested to-day.

Yours truly.

CLARK BELL,
Attorney for Forty-fourth Street Association.

I immediately forwarded to the president of the board of police the entire correspondence of Killilea with the owners, and with the superintendent, sending copies of all the papers to the president of the board, McLean, and on the nineteenth Mr. McLean replied that he was in receipt of the letter, and hastened to assure me that he should be pleased to do all in his power to assist us in the matter. He said he would be glad to confer with me personally, and I had one or two interviews with him subsequently, in which he seemed to be anxious to co-operate with us.

Q. This was all done before the the new license was granted on the twenty-fifth of April? A. Yes, sir; on the twenty-first of April, I wrote to President McLean again sending him a copy of Captain Killilea's letter so that he could see exactly what he had said.

By Senator FASSETT:

Q. And the last communication to McLean is dated when? A. The twenty-first of April, when I sent him a copy of the captain's letter; this is dated the nineteenth.

Q. What has been done since then? A. I learned incidentally from a communication received from the attorney that a license has been granted to Mr. Griffith, stating that he was informed that I was present and consented to it; I then immediately went to the board of excise and found that a license had been granted.

By Mr. IVINS:

Q. Did you find that it had been granted upon a report from Captain Killilea? A. The papers were in the usual form; the petition, the report of the inspector, the police report signed by Captain Killilea, of which I have a copy, and the license granted on the twenty-fifth.

Q. Have you that copy here? A. Copy of Killilea's report?

Q. Yes. A. Here is the copy of the report that Captain Killlica made, furnished to me by the board at my request. [Producing paper.]

Q. Do you know whether there had ever been any infractions of the excise law in that place, so far as selling on Sunday, selling after hours, or selling to minors was concerned? A. I never addressed myself to any inquiry upon that branch of the matter.

Q. Is this case set down for a hearing upon the indictment? A. It is not.

Q. Has any effort been made to have it set down for a day? A. The district attorney's office furnished us every facility apparently within their power in the matter.

Q. And if it is not set down it has been because it is impossible or impracticable to do it? A. Yes; there is not the slightest complaint against the district attorney's office in that respect; the district attorney's office is entitled to the greatest possible thanks for the help which they have furnished our association all the way through.

Q. Will you tell the committee why it is necessary for an association of property owners to get up a sort of adjunct police force? A. I do not know that I can answer such a question as that; we felt that the thing was getting to be a little stronger than we were willing to stand.

Q. Was it not due to the feeling that as you were not helped by the police you would have to help yourselves? A. I do not believe the police could suppress all the disorderly houses in the street unless they had aid from the property owners.

Q. Do you think Captain Killilea could have suppressed the disorderly houses on that block without aid? A. I think it is asking too much of any one to say that a captain of police in this city, the way things are going on in New York, could suppress disorderly houses without he had a very strong and influential backing behind him of the property owners; there are so many of them.

Q. You are of the opinion, then, that a failure to have this law properly enforced, is in large measure, due to the fact that the property holders and the citizens themselves do not take sufficiently active steps to support the police in the enforcement of the law? A. That is my candid opinion.

Q. You do not know of any way to remedy that by legislation? A. I think, under the laws as they stand, that any body of property owners can suppress any disorderly house; for instance, as far as I am concerned, if I have the people of the community behind me to sustain me in this city, I can suppress any disorderly house, and I think that the police, if they are re-enforced by the citizens, will be able to suppress disorderly houses, but, if they are left to themselves, and people pay no attention to them, why, the number of the disorderly houses in the city is so great that they can do nothing, and it is wrong to censure the police for failure to suppress all the disorderly houses, because prostitutes exist in large numbers, and they must have places where they can go, and legislation makes no provision at present for that, and if they come into respectable streets, the residents must combine and take legal steps under the law, as it now exists, to suppress them; I have suppressed other disorderly houses in that street, and I have no doubt whatever of my ability to suppress every disorderly house in the street, including Mr. Griffith's; in Fifty-third street, where I am attorney for an asssociation, I shall certainly suppress all the disorderly houses, without any manner of doubt, because the people in the street are moving in that respect; but in streets where they do not move, I do not think these houses will be suppressed, and I would not censure the police officers for it.

Q. There are certain streets or districts in the city in which there appears to be no moral feeling adverse to the maintenance and running of such places, is that so? A. I believe that to be a fact, although I have not sufficiently investigated; it is a subject that I have given thought to in relation to foreign cities, where, as you

know, provision is made by law for localizing houses of this character, and it has worked very well, in Berlin and in Paris, but in New York there is no such provision whatever, and there is no class of people who need the intelligent and careful consideration of our legislators more than that class of unfortunates known as the prostitutes of the city.

Q. The class of support which is afforded by the citizens and neighbors in this case, is of what character in the supplying of evidence? A. Well, take for example our street; it is largely occupied by respectable people who live in their own houses; when disorderly houses came into our street, we felt that it was time to act; we say: "You must leave our street," and we force them out of the street; where they go, we do not know.

Q. You do not think that you force them out of existence? A. Oh, no; they go somewhere else; I have reason to believe that one of the houses moved up into Fifty-third street, where I am now endeavoring to put them out; the captain of the police could give you information upon that subject, I think.

Q. In this case of Griffith's, the police had all the support that was necessary, didn't they? A. In what respect?

Senator Fassett.— The property owners were willing to support them.

Q. The police had all the support necessary? A. I have said what information we gave them; that I had abundant evidence.

Q. What has Griffith's reputation been in that neighborhood and community for the past two or three years? A. Simply as the keeper of this house.

Q. Has he had a very positive reputation for good moral character? A. It is impossible for a man to be a man of good moral character who keeps a disorderly house, but he is universally well spoken of as "a very clever fellow," and I have heard it said by those who know him best, that he keeps a very good house of that kind; one of the best houses of that kind that is kept in the city.

Q. That is, assuming that houses of that kind are going to be kept in the city, he keeps a house of that kind with as much cleanliness and as little noise and disorder and as little accompanying crime as is possible? A. I think he is an exceptionally good keeper of a disorderly house; he is so represented to me, and I believe him to be a very clever man, as good a man probably as there is in that sort of business.

Q. Then he is such a sort of a man as that if we license disorderly houses, ought to have a license? A. I believe I would recommend

him if the State passes a law to localize houses of assignation, as a very suitable man for the keeper of a first-class house of assignation.

Q. Is there anything more, Mr. Bell, that you want to say, or any knowledge that you have that I have not brought out by my questions, that will bear upon this matter? A. I think not.

By Senator FASSETT:

Q. Let me ask one question; would inquiry among the neighbors fail to elicit the fact that this place of Griffith's was a house of assignation? A. You mean the neighbors in that street.

Q. Yes. A. There is not a person in that street that would not have known it to be a house of assignation.

Q. Would there be any reason why they should refuse to so answer a question, if it was put to them? A. Not the slightest; perhaps the best answer to that would be that when we learned that the license had been granted, four residents of the street immediately made a formal application under oath to have that license revoked, on the ground that it was a house of assignation, and then we circulated a petition, of which I have here a copy, that I will put in as a part of my evidence; that was signed by about seventy residents, and has been signed by a large number since, and it is on file at this present moment in the board of excise.

Q. When was it filed? A. I think on the nineteenth of May, asking for a revocation of the license.

Q. Would diligent inquiry in the neighborhood have failed to develop the fact that this was a house of assignation? A. If anybody had inquired in our street at all, they would not have found any person in the street, in my judgment, who would not have known that it was a house of assignation.

Q. And that Mr. Griffith was its keeper; that was known, wasn't it? A. I do not know that everybody knew the name of the proprietor, but the house was a well known house of assignation; this paper I will put in evidence [producing a paper]; it was printed in the *Evening Post*, of Thursday, May twenty-second, and it is a copy of an original petition on file at this moment in the board of excise.

Mr. IVINS.—That will go in as an authentic copy of the petition, then.

By Mr. IVINS:

Q. Isn't it well known by all the saloon keepers that this is a so-called bed-house? A. I do not know all the saloon keepers in that neighborhood; such of them as I know, I think have no doubt about it.

Q. Have you ever heard of a saloon keeper giving it just the same

reputation? A. I think there is no saloon keeper in that part of the city that does not know that that is a house of assignation.

Q. So that an inquiry of any saloon would elicit that fact, or be apt to? A. Well, they would know its general reputation.

Q. Are there any more facts bearing upon this particular case that have not been brought out? A. The application for the revocation of the license was adjourned this day week until to-day at 10 o'clock, and it came up this morning, and owing to the absence of one of the commissioners, whose wife was ill, it was adjourned for a week; it is pending, and will be pressed.

By Senator Fassett:

Q. Were two of the commissioners present? A. Only one, because Commissioner Koch declined to act.

Q. On account of his having been counsel for Griffith? A. No; it is due to Commissioner Koch to say that he denies that he was really Mr. Griffith's counsel; he is reported to say in the *Herald* that he was offered a retainer, but that he declined it; at the first hearing before the board of excise I told him that I supposed that was an erroneous statement to make, that an attorney declined a retainer, and he denied it and said he was not Griffith's counsel, but he declined to sit on account of the comments of the press on the subject.

Q. But the fact is that he appeared and entered a plea for Griffith? A. Yes, sir.

Mr. Leventritt.— No, sir; it does not appear that he did.

Q. The record will show whether he appeared or not? A. I believe he stated on that subject that he was present in court and that he was asked what he thought, and that what he did was in a friendly way.

Q. I suppose the judge's minutes will show who was present in court? A. Judge Koch said that he was present in court that day at the time, and that he was merely asked for his opinion, but he was not really the counsel of Mr. Griffith, but he did advise that under the circumstances the only possible plea was a plea of not guilty; he denies that he is the counsel now of Mr. Griffith.

By Mr. Ivins:

Q. And this place, notwithstanding the indictment, is still running on in the same way? A. Yes, sir.

Q. Mr. Griffith still carries on this business? A. Yes, sir.

By Senator McNaughton:

Q. Is Judge Koch a lawyer in active practice? A. Yes; and a very good lawyer he is too.

also that he was present at the hearing and was Griffith's real
ney, and he denied that Judge Koch represented him.

Q. And he also asserted that he alone represented Mr. G
A. I would not state it quite in that form.

Q. Will you kindly tell us the substance of what he stated to
A. Well, he denied that Judge Koch was Mr. Griffith's coun
said that he was his attorney, and I understood him to say that
also present when the plea was entered; but I may be mistaken
that; I was not present.

Q. Did not this lawyer, Mr. Quincy, tate to you positive
explicitly that he alone was the counsel or the attorney f
Griffith in that matter? A. My recollection is that he denie
emphatically that Judge Koch was his counsel, but I can not r
ber it just exactly as you put it.

Q. As I understand, as far as you know, there was no cou
made against Mr. Griffith's place to the excise board until afte
had granted this license of April 25, 1890? A. It is a fact that
the papers in the office there are pinned two extracts from the
of the 16th and 17th of April, 1889, which are pinned right on
papers; those extracts state in detail the history of that plac
they were before the board; they are there now pinned on it, and
them there when I first went there, and I have copies of them
Q. You think that they were clippings of the *Herald* of th
and 17th of April, 1889? A. Eighteen hundred and ninety.

Q. But there was no formal protest entered? A. Not from u

Q. Or from any other source? A. I do not know; I had n
slightest idea that there was any such application pending.

Q. You do not know of any protest being sent down to the

they subpœnaed thirty-five of the signers of that petition to appear on the next day.

Q. So they did take some steps? A. Yes, and they subpœnaed me without notice, which is not the usual practice.

By Senator FASSETT:

Q. Wasn't there a notice given of the hearing? A. No, sir.

By Mr. LEVENTRITT:

Q. Didn't the subpœna give the time and place? A. Yes, sir; and we appeared, and I raised that question that no notice had been given, and the board said that they would treat that as a regular notice, and then an adjourned day was fixed and that made a formal notice.

Q. They took immediate action, then, upon your application? A. Yes, sir.

Q. And in view of the remarks that had been circulated regarding Commissioner Koch's connection with the matter, he invariably refused to act? A. He declined to act on account of personal consideration.

Q. And those considerations are rumors concerning which you have spoken? A. Yes, sir; and I stated at the time that I justified him in his action; he asked my permission; that is, he said he would like to have me raise that question; I said: "Of course, you may do just as you like; but were I in your place and situation, I would do just as you do; I would not act."

By Senator FASSETT:

Q. What impropriety would there be if he had not been Griffith's counsel? A. But he was not counsel.

Q. I say, what impropriety would there be, so long as he was not his counsel? A. Well, he had appeared and put in this plea for him.

Q. Do you know any reason why, if Mr. Koch had not been his counsel, it would have been improper for him to act? A. If Mr. Koch had not been his counsel, and yet had acted as his counsel in that friendly way, as he stated to me, he might have felt that he would be subject to criticism if he should act in that case, particularly if he voted against a revocation of the license; that is the way that it seemed to me that Mr. Koch felt.

By Mr. LEVENTRITT:

Q. The only evidence that you have that he put in a plea is predicated upon what? A. I was told so by the chief clerk.

By Mr. LEVENTRITT:

Q. Did you make any further efforts to ascertain whether Judge Koch represented Mr. Griffith? A. Only from his statement at the excise board; he said distinctly that he did not; he denied it.

Q. Is it not a fact that within a week past upon an occasion of your visit to the excise board there was an attorney there who claimed that he represented Mr. Griffith? A. Yes, sir.

Q. Did not the attorney so state to you? A. Yes, sir; and he said also that he was present at the hearing and was Griffith's real attorney, and he denied that Judge Koch represented him.

Q. And he also asserted that he alone represented Mr. Griffith? A. I would not state it quite in that form.

Q. Will you kindly tell us the substance of what he stated to you? A. Well, he denied that Judge Koch was Mr. Griffith's counsel; he said that he was his attorney, and I understood him to say that he was also present when the plea was entered; but I may be mistaken about that; I was not present.

Q. Did not this lawyer, Mr. Quincy, tate to you positively and explicitly that he alone was the counsel or the attorney for Mr. Griffith in that matter? A. My recollection is that he denied most emphatically that Judge Koch was his counsel, but I can not remember it just exactly as you put it.

Q. As I understand, as far as you know, there was no complaint made against Mr. Griffith's place to the excise board until after they had granted this license of April 25, 1890? A. It is a fact that among the papers in the office there are pinned two extracts from the *Herald* of the 16th and 17th of April, 1889, which are pinned right on to the papers; those extracts state in detail the history of that place, and they were before the board; they are there now pinned on it, and I saw them there when I first went there, and I have copies of them here.

Q. You think that they were clippings of the *Herald* of the 16th and 17th of April, 1889? A. Eighteen hundred and ninety.

Q. But there was no formal protest entered? A. Not from us.

Q. Or from any other source? A. I do not know; I had not the slightest idea that there was any such application pending.

Q. You do not know of any protest being sent down to the board by anybody prior to the 25th of April, 1890? A. Only the fact that they had these New York *Herald* clippings.

Q. But, I mean to say, any formal protest. A. No, sir.

Q. Immediately upon the presentation of your petition for revocation was a hearing assigned? A. No; a hearing was not assigned, but the clerk told me that it would be assigned; but instead of that

they subpœnaed thirty-five of the signers of that petition to appear on the next day.

Q. So they did take some steps? A. Yes, and they subpœnaed me without notice, which is not the usual practice.

By Senator FASSETT:

Q. Wasn't there a notice given of the hearing? A. No, sir.

By Mr. LEVENTRITT:

Q. Didn't the subpœna give the time and place? A. Yes, sir; and we appeared, and I raised that question that no notice had been given, and the board said that they would treat that as a regular notice, and then an adjourned day was fixed and that made a formal notice.

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By Mr. LEVENTRITT:

Q. The only evidence that you have that he put in a plea is predicated upon what? A. I was told so by the chief clerk.

Q. Judge Bedford does not say that he put in a plea? A. But the chief clerk told me that Judge Koch was his counsel and had appeared for him, and I wrote to Judge Bedford that I so understood it, and I asked what day had been fixed.

Q. Judge Koch had made no agreement with you regarding the day? A. No, sir.

Q. Do you know whether the chief clerk has personal cognizance of who appears and who does not? A. The district attorney's office assigns a clerk to each court, and the clerk that was in Judge Fitzgerald's court on that day, his name was given to me, and the report came from him that Judge Koch had appeared as counsel.

Q. So it comes then, as you understand it, originally from the clerk assigned to that particular part in which Mr. Griffith was required to plead, who told the chief clerk, and then it came to you; it is hearsay? A. Yes, sir; double hearsay.

By Senator FASSETT:

Q. There can not be any difficulty in showing what actually took place in court, from the record? A. Judge Bedford will know, for they told me that Judge Bedford had charge of the case.

By Mr. OLIVER:

Q. Captain Killilea helped you in Fifty-third street? A. I am informed by the president of the association that he raided three houses in Fifty-third street before I was retained; I believe he did; I have no doubt he did.

Q. Now, about this house that you say that the captain ought to know was a disorderly house; that has been a hotel for thirty years, has it not? A. That is going a little far back, but I would be willing to say twelve or fourteen years.

Q. A hotel? A. I would not say a hotel because I do not consider it a hotel, for it is a house of assignation running under the guise of a hotel.

Q. Isn't it a hotel with a register? A. I have no doubt it has a register, but it would be a farce to call it a hotel, that is, a place where people coming from the country, or families, would go and stop.

Q. Are there not as many as twenty-five regular boarders in that house? A. I have no means of knowing anything about that.

Q. You stated in answer to Mr. Ivins distinctly: "We have enough evidence to indict and convict." Among that evidence haven't you any evidence at all as to who lives in that house, or is it all one-sided? A. The evidence alluded to is the evidence of people who took women there for the purpose of having connection with them, and visiting

the house as a house of assignation, settling with the waiters in the room, and going through with the various practices carried on in houses of that character; and I have never investigated how many regular residents there are in the house.

Q. As a practicing lawyer, haven't you knowledge that such complaints may be made against any hotel in New York city? A. If I could establish that the proprietor of the Fifth Avenue Hotel consented to allowing his rooms to be used for that purpose, I could convict him.

Q. Haven't you, as a lawyer, and appearing for these property owners, knowledge that there are reputable hotels other than this one who admit people other than regular guests in for a day or a night, who sign the regular register? A. I do not know that I understand your question; if you mean by that there are respectable hotels used for this purpose, without the knowledge of the landlords, certainly I believe they do exist.

Q. That is just what I mean — without the knowledge of the landlord?

Senator McNaughton. — You better change the form of your question then.

Mr. Oliver. — Well, I am not appearing for Mr. Griffith; it is only in regard to the captain of the police that I am questioning the witness.

Q. Do you know of any law that would authorize a captain of police to stop a man and women, evidently, from their appearance, a lady and a gentleman, from going into that house? A. We did not ask the captain to do that.

Q. Do you know of any such law? A. No, sir.

Q. You know that a captain is subordinate to the superintendent and the commissioners of police? A. Certainly.

Q. The captain in his letter referred you to his superior officers? A. Yes; the captain could not arrest a party going into any hotel; of course not.

By Senator Fassett:

Q. And you did not ask him to, did you? A. No, sir.

The petition referred to by the witness, printed in the *Evening Post*, May, 22, 1890, is as follows:

War on a Bad Resort.

A petition from residents of West Forty-fourth street.

The reputable residents of West Forty-fourth street are still making an up-hill fight against the disreputable house kept by John F.

Griffith at Sixth avenue and Forty-fourth street, and against Police Captain Killilea, in whose precinct it is situated, who is alleged to protect Griffith. Police Superintendent Murray has met the citizens' applications for help with strange apathy, but the reputable residents have advanced this far, that the police commissioners have summoned thirty-five of them who recently signed a petition to the excise board to revoke the license which, on April twenty-fifth, the board renewed to Griffith, to appear at police headquarters at 3 o'clock this afternoon and testify as to the character of Griffith's place.

The petition mentioned, with the original signatures [to which a number of others were added], is as follows:

To the Honorable the Board of Excise of the city and county of New York:

The undersigned, residents of West Forty-fourth street in the city of New York, respectfully appeal to your board to revoke the license granted to John F. Griffith who is the keeper of the premises No. 777 Sixth avenue, known as the Sixth Avenue Hotel, for the following reasons:

1. That the house has been kept by the said John F. Griffith as a house of assignation and a disorderly house for many years, to the great annoyance and scandal of all the residents of the street.

2. The private entrance is on Forty-fourth street, and the parties visiting said house for illicit purposes go in plain view of the families who reside near that entrance.

3. Prior to his indictment for keeping the house as disorderly, that portion of the street was frequented by cabs at all hours of and late at night, disturbing the street.

4. Such a place as is there kept by John F. Griffith, disturbs the peace of the street, is a public nuisance, disturbs families in the enjoyment of their homes, and has been for years one of the most notorious houses of assignation in this quarter of the city.

We, therefore, respectfully, but earnestly, appeal to you to protect us as families, and, by revoking the license he now holds, aid us in closing this disreputable place.

Dated NEW YORK, May 13, 1890.

CLARK BELL, No. 108 West Forty-fourth street

L. L. DANFORTH, No. 149 West Forty-fourth street.

MARY A. MAXWELL, No. 161 West Forty-fourth street.

K. F. REYNARD, No. 143 West Forty-fourth street.

E. PERKINS, No. 158 West Forty-fourth street.

LOUISE J. ASHFORTH, per S. B., attorney, No. 151 West Forth-fourth street.

HELENE S. BELL, No. 108 West Forty-fourth street.

William F. Reeves, No. 163 West Forty-fourth street.
L. J. Wright, No. 163 West Forty-fourth street.
N. B. Harris, No. 163 West Forty-fourth street.
H. B. Sanders, No. 163 West Forty-fourth street.
M. Richmond, E. B. Gwynne, No. 111 West Forty-fourth street.
F. W. Hamlin, No. 149 West Forty-fourth street.
William R. Bell, No. 155 West Forty-fourth street.
M. Edward Downey, No. 158 West Forty-fourth street.
Joseph Finch, No. 106 West Forty-fourth street.
Anna Gillies, No. 141 West Forty-fourth street.
R. M. Maxwell, No. 161 West Forty-fourth street.
L. G. Kloppenberg, No. 163 West Forty-fourth street.
Miss M. C. Duggan, No. 109 West Forty-fourth street.
Paul F. Beardsley, No. 159 West Forty-fourth street.
W. M. Davenport, No. 147 West Forty-fourth street.
Olive Brevoort, No. 116 West Forty-fourth street.
John S. Holden, No. 144 West Forty-fourth street.
W. Dunning, No. 153 West Forty-fourth street.
Miss Wells, No. 144 West Forty-fourth street.
George S. Lespinasse, No. 128 West Forty-fourth street.
Dr. S. J. Wimmer, No. 110 West Forty-fourth street.
Mrs. J. S. Holden, No. 144 West Forty-fourth street.
S. L. Howell, No. 120 West Forty-fourth street.
I. P. Sherman, No. 114 West Forty-fourth street.
E. C. Marston, No. 112 West Forty-fourth street.
L. M. Chaves, No. 130 West Forty-fourth street.
F. A. Finn, No. 130 West Forty-fourth street.
R. L. Chaves, No. 130 West Forty-fourth street.
M. L. Chaves, No. 130 West Forty-fourth street.
W. T. Bradley, No. 136 West Forty-fourth street.
Matilda Hyde, No. 164 West Forty-fourth street.
Courtney Hyde, No. 164 West Forty-fourth street.
M. A. Locke, No. 163 West Forty-fourth street.
H. Bennett, No. 110 West Forty-fourth street.
Mary B. Herrick, No. 142 West Forty-fourth street.
I. M. Hayes, No. 152 West Forty-fourth street.
W. O. McDonald, No. 117 West Forty-fourth street.
L. E. Schoonmaker, No. 137 West Forty-fourth street.
Thomas L. Butler, No. 111 West Forty-fourth street.
Miss E. Duggan, No. 109 West Forty-fourth street.
C. S. Goff, No. 159 West Forty-fourth street.
J. S. Sheppard, No. 159 West Forty-fourth street.

LIZZIE MONOHAN, No. 148 West Forty-fourth street.
JOHN H. HINDLEY, No. 118 West Forty-fourth street.
CATHARINE M. SHERMAN, No. 114 West Forty-fourth street.
Mrs. ANNIE DEUTSCH, No. 139 West Forty-fourth street.
RINGTON DAVIS, GEORGE H. DAVIS, E. F. DAVIS, No. 150 West Forty-fourth street.
WILLIAM H. MARSTON, CHARLES S. MARSTON, L. M. MARSTON, No. 112 West Forty-fourth street.
EDGAR MOFFAT, No. 143 West Forty-fourth street.
CHARLES F. HOGAN, No. 130 West Forty-fourth street.
FLORENCE SHERMAN, No. 114 West Forty-fourth street.
GERTRUDE SHERMAN, No. 114 West Forty-fourth street.
ADA H. HINDLEY, No. 118 West Forty-fourth street.
EVA S. MCARTHUR, No. 118 West Forty-fourth street.
ELIZA J. WALKER, No. 118 West Forty-fourth street.
L. J. WRIGHT, No. 163 West Forty-fourth street.
H. S. BREVOORT, No. 116 West Forty-fourth street.
C. HIEBER, No. 110 West Forty-fourth street.
Mrs. M. B. HEWITT, No. 140 West Forty-fourth street.

THOMAS KILLILEA, called as a witness, and being duly sworn, testified as follows:

By Mr. IVINS:

Q. What is your occupation? A. Captain in the municipal police force of the city of New York.

Q. How long have you been such? A. It will be twenty years next July.

Q. How long have you been on the force? A. Going on twenty-seven years.

Q. How long have you been in charge of your present precinct? A. Nine years the last time; I have been there off and on for twenty years; I have been there three times.

Q. You have heard a part of the testimony, at least, of Mr. Bell? A. Yes, sir.

Q. You have heard what he testified to in regard to the character of the house kept by John F. Griffith, 777 and 779 Sixth avenue? A. I have.

Q. What do you know of the character of that house? A. Nothing bad.

Q. How long have you known the house? A. Over twenty years; twenty years next July I went to that precinct first.

Q. How long has Mr. Griffith kept that house? A. Seven years

Q. And during that seven years you have heard nothing bad about it? A. No, sir.

Q. Directly or indirectly? A. From no one except Mr. Bell.

Q. Did you ever have any reports about that house from your own officers? A. Never.

Q. And no reports from neighbors? A. I never have to my knowledge, in the seven years, had any police interference there in any way, shape or manner.

Q. Then, for seven years, so far as you as a police officer are concerned, the place has been running on? A. Yes, sir.

Q. Have you had any information that this house was being used as a house of assignation? A. No, sir; the first report I ever had derogatory to the house was from Mr. Bell.

Q. When was that? A. That was on or about the ninth of April, I think.

Q. That is your handwriting, is it, on that paper to the board of excise? [Showing paper to witness.] A. Yes, sir.

Q. That bears date the seventeenth of April? A. Yes, sir.

Q. That was about nine or ten days after complaint had been made by Mr. Bell, representing the property owners' association? A. Yes, sir.

Q. The first question there is: "Is the above-named person of good moral character?" to which you answered distinctly, "Yes." A. He is, to my knowledge — at least, to the best of my knowledge.

Q. In answer to that question, did you take into consideration the character of the place as complained of by Mr. Bell? A. No, sir; I did not.

Q. Why didn't you? A. Because I did not think it was sufficient evidence for me to withhold my signature from that application.

Q. You thought that you knew that his moral character was so good that the evidence of the property owners in the neigborhood was not of sufficient weight to determine you to answer that question in the negative? A. That was my opinion at that time.

Q. Is that your opinion now? A. It is just the same, until I find something different.

Q. Did you in any way pay attention to this complaint? A. I referred it to my superiors.

Q. You made no reference to the fact, in this report to the excise board, that you had such a complaint and had referred it to your superiors? A. No, sir.

Q. Why didn't you? A. Well, the only explanation I can make of that is that I thought I was right.

Q. "Do you know of any reason why such person shall not be licensed?" and you answered: "I do not;" you had these complaints before you at that time, had you not? A. Yes, sir.

Q. They did not, in your mind, constitute any reason why the place should not be licensed, assuming that they were true? A. That wasn't sufficient evidence for me to withhold my name from that paper.

Q. Your name is all right; but I am asking you why you put those things above your name? A. Because I thought I was doing right, and I know I was doing right yet.

Q. You now know that you were doing right? A. So far as my knowledge is concerned.

Q. Did you regard it as part of your duty as a police officer to rely upon your personal knowledge and to disregard and discredit the complaints of neighbors and citizens? A. No, sir.

Q. Then why didn't you consider this; what reason had you for disregarding this complaint? A. I answer that question by saying that I did not think it was evidence enough for me to withhold my name.

Q. Did you think it was evidence enough for you to put yourself on your inquiry? A. I don't know.

Q. Did you, after receiving that complaint, make any inquiry or investigation into the matter? A. I did.

Q. As incident to that? A. Yes, sir; I sent men there in citizen's clothes with women to try to get in without registering so that I would have evidence against the house, but I could not succeed; they wouldn't be permitted to go in without registering.

Q. Did you ask to see the evidence that was in existence of people who had been there in exactly that way? A. I did not.

Q. Did it appear to you that if you had asked to have seen that evidence you would have had the evidence without sending men from your force there? A. No, sir.

Q. Wouldn't it be very much easier for a stranger, unknown in the locality, accompanied by a strange woman, to have got into that place than for one of your officers to get in? A. Yes; I suppose so.

Q. Which one of your officers did you send there? A. I sent two; I sent Officer Daley and Officer Manken.

Q. Do you know that they attempted to take women in there? A. Yes, sir.

Q. Of your own knowledge? A. I ordered them to do it, and they reported to me their action.

Q. Did they report that they had done so? A. Yes, sir.

Q. Did they report what women they had tried to take in there? A. No, sir; they said they had each got a girl and tried to go in there.

Q. Who are these two officers? A. Officers Daley and Manken.

Q. What are they? A. Patrolmen; single men.

Q. Patrolmen on that beat? A. No, sir.

Q. Are they known to Mr. Griffith? A. Not that I am aware of.

Q. Do you know that they were not known to Mr. Griffith? A. I tried to avoid sending anybody there that he knew.

Q. How did you try to avoid it; what steps did you take to assure yourself that they were not known to Griffith? A. By sending men who had never been on the east side of my precinct; men who had been posted over on the west side of the precinct for years.

Q. Did you make any inquiry further than that for the purpose of being sure that these men would not be known? A. No; I did not.

Q. That these men would not be known without registering? A. No.

Q. What difference would it have made had they registered, provided they had, with Mr. Griffith's knowledge, used the rooms for an illicit purpose? A. Ah, that is it; if they used the rooms with Mr. Griffith's knowledge it would be a different thing; if they did not register, then he was violating the law.

Q. Have you ever seen a register in that hotel? A. I have.

Q. Do you know whether when a man and woman come there and take a room and register they invariably register as man and wife? A. I do not know.

Q. Do you know whether they register as a man only, while the room is nevertheless occupied by a man and woman? A. I do not.

Q. Do you know whether they register as a man and a woman, and yet that they both occupy the same room? A. No, sir.

Q. Suppose these police officers had registered their names, and then been permitted to have a woman with them, would they have then violated the law? A. Yes, sir.

Q. Were they instructed to try to get in there upon registering their own names alone? A. They were instructed to take a woman there and not to register, and get a room with the women.

Q. Why didn't you instruct them to register in their own names? A. Because I thought I was doing right.

Q. Why didn't you instruct them to register in both the names of themselves and the women, and then go to the rooms; that would have been an equally good way of catching the man? A. Yes; but you can't think of everything at one time; and everybody ain't quite as bright as you are.

Q. Do you think I would make a good police captain? A. I think you would; first rate.

Q. "Is there any part of these premises used for gambling?" and you answered: "Not to my knowledge;" all the basis of knowledge you had was what you have just described? A. Yes.

Q. You did not take into consideration, did you, in answering that question, that you did have hearsay knowledge of a very high class from thoroughly reputable citizens living in the immediate neighborhood; you failed to take that into consideration? A. Nobody in the neighborhood made any complaints to me, except Mr. Bell's communication.

Q. Why didn't you in this answer say: "Not to my knowledge; but Mr. Clark Bell and all the neighbors say that this is a dissolute place?" A. I could not say that because all the neighbors did not say so.

Q. All the neighbors who signed this paper? A. There was no name to that paper but Mr. Bell's own name.

Q. Do you know the fact that such an association exists as he represents? A. I have heard of it.

Q. And you know that it has a large membership of residents in the immediate locality? A. I have heard of that, too.

Q. You have aided that association in suppressing crime and vice heretofore? A. Yes, sir; to the best of my ability.

Q. And you know that it is an association of citizens and taxpayers and lessees of property, reputable men, don't you? A. I don't know any of them but Mr. Bell and Mr. Marston.

Q. But you know that this association exists? A. I know of it; yes, sir.

Q. Why did you neglect to tell the excise board that although to your personal knowledge you knew nothing, still this complaint had been lodged with you, and was a serious complaint? A. I did not think that that letter was any evidence to me that the place was such as he represented.

Q. You didn't think that letter was any evidence? A. No, sir.

Q. Did that suggest that you should make further inquiry, and find out what evidence he possessed? A. No; it did not.

Q. That is another instance then, in which you could not think of everything at the same time, isn't it? A. Yes, sir.

By Senator FASSETT:

Q. Would not that letter have been very useful to the board of excise in putting them on their guard? A. Yes; I suppose it would.

By Mr. Ivins:

Q. "Has any part of these premises been so used heretofore, and when?" and you answered "never, to my knowledge?" A. Yes, sir.

Q. Do you think it is an evidence of careful administration of police law in that precinct, that a place could go on for three or four years, of such character as has been described by Mr. Bell, and you not know it? A. Yes, I do; it could go on and I not know it.

Q. Can a person of questionable character open a house of assignation in your district, and run it as such for three or four years without your finding it out? A. I might have my suspicions about it.

Q. If you had your suspicions what would you do? A. I would endeavor to get evidence against it, as I did in this case.

Q. Suppose you did and did not get any, but your suspicions were not allayed; then what would you do? A. I should continue on and try and get the evidence.

By Senator Fassett:

Q. When did your suspicions first become aroused about this place? A. They are not aroused yet; I am of the same opinion yet; the man has a hotel license, and he has a restaurant there, and he runs his place the same as any other hotel.

By Mr. Ivins:

Q. Will it require a conviction before a petit jury to arouse your suspicions? A. It would.

Q. But if a petit jury did convict would your suspicions be aroused? A. Most emphatically.

Q. Suppose you could see the very evidence on which a petit jury convicts, would that arouse your suspicions? A. Not until it was proven.

Q. Suppose it was the evidence upon which a juror would vote to convict, would that arouse your suspicion? A. It might.

Q. Why didn't you make some inquiry then, when this very serious complaint was made to find out the fact about it? A. I did.

Q. Did you ask Clark Bell to know who his witnesses were? A. I did not.

Q. Who did you inquire of? A. Of several people in the neighborhood.

Q. Tell us who they were? A. Well, I can't recollect their names, I was taken suddenly this afternoon at 2 o'clock, and had to be here at 3 o'clock, and I didn't have any chance to prepare myself to come down here at all.

By Senator FASSETT:

Q. That has not hurt your memory? A. No, sir.

By Mr. IVINS:

Q. You did not need any preparation, did you? A. No, sir; it requires items to jog my memory, you know.

Q. Have you any memorandum in existence with which you can jog your memory? A. No, sir.

Q. Then it does not make any difference that you were called down here so suddenly; how do you account for that? A. No; no difference.

Q. Then you don't take objection to that fact as you did before? A. No, sir.

Q. "Has any part of the building been used as a resort of thieves or prostitutes?" and you answered "not to my knowledge?" A. Yes, sir.

Q. Are we to understand that that answer was given in the same way and under the same circumstances and by the same motive that controlled in regard to giving the other answers? A. Exactly.

Q. And you give the same answer in regard to the buildings having been so used for any of such purposes theretofore; do you know of any violation of law upon these premises now or heretofore? A. No, sir; I do not, and I never have.

Q. Has any arrest been made in the premises? A. Not within the last five or six years.

Q. Do you know of any reason why said premises should not be licensed? A. No, sir.

Q. After having made those reports in that way why did you find it necessary to make any remarks, because every one of those answers were extremely favorable to the place? A. Because they called for remarks.

Q. The above-named premises have been occupied as a hotel for twenty years past and I have never been called upon to send an officer there, nor have I ever had and complaints from there? A. That is right.

Q. Hadn't you been called upon in this identification ten days before to send an officer there? A. Yes; but that was not for the purpose of making an arrest.

Q. Hadn't you sent an officer there at the time you signed that? A. Yes, sir; to look for evidence, but not to make an arrest.

Q. Then why did you say "I have never been called upon to send an officer there?" A. Because I never was.

Q. But this was dated ten days after Mr. Bell asked you? A. I know it, but I did not think it was sufficient evidence for me to send an officer there.

Q. Consequently, you say that you had never been called upon to send one there? A. I mean for any violation of the law.

Q. That was reservation in your own mind; no such limitation appears on this report; how do you account for that? A. You will have to ask me that question again.

Q. I say that is a mental reservation; you say in terms, "I have never been called upon to send an officer there;" you now supplement it by saying, "to make an arrest?" A. I say, for any violation of the law.

Q. But who had been called upon to send an officer there for violation of law by this paper? A. No, sir.

Q. Didn't this document allege systematic continuance of violation of law? A. Mr. Bell will kindly give me the letter, or let me look at it; I can probably explain it better for you.

Q. [Letter shown witness.] That is the letter sent to you by Mr. Bell on the ninth of April, is it not? A. Yes, sir.

Q. And you say, "I have never been called upon to send an officer there;" didn't you regard this as a request to send an officer there? A. I did not; when I wrote that, I meant that there was never an officer called there to interfere in any police business.

Q. Why didn't you say what you meant? A. Well, I don't know.

Q. Wouldn't it have been of assistance to the excise commissioners? A. I don't know nothing about the excise commissioners.

Q. You have this fact, though, that you sent this report to them? A. Yes, sir.

Q. What did you suppose you sent it to them for? A. For the purpose of indorsing the man's license.

Q. For the purpose of indorsing it? A. Yes; for the purpose of giving them what information I had in regard to it.

Q. Didn't you suppose that you had been asked to sign that report for the purpose of giving them the benefit of your knowledge, were it good, bad, or indifferent, concerning this man? A. It was good, and that was the reason I made those remarks there.

Q. And so you said, "nor have I ever had any complaints from there?" A. That is right.

Q. Do you think you are peculiarly skilled in the use of the English language? A. I am not highly educated; I have got a common school education, and the probabilities are, that I had an opportunity in my youthful days to get it, I might, probably, have got a better education.

Q. I ask you that question because there seems to be considerable skill in there; "nor have I ever had any complaint from there;" why

did you say "from there" instead of "at the place," or "concerning the place?" A. Well, that was my way of making out the report.

Q. What did you mean then by complaints from there? A. I meant that I never was called upon to send an officer there to perform any duty or to make any arrest for any violation of law.

Q. From inside of the premises? A. From inside or outside of the premises, or even on the sidewalk.

Q. Would you be called upon to make an arrest in the place unless you had been called upon by somebody in the place or about the place to come and to do so? A. Would I what?

Q. [The question is read to the witness.] A. Nor from any one outside of the hotel, except Mr. Bell.

Q. Then why didn't you say "except Mr. Bell?" A. Because, as I told you before; I did not think that was evidence enough for me to say so.

Q. If you were an excise commissioner and you had received a document from a police officer, you would feel yourself justified in saying: "Well, according to this evidence there are no complaints against that place," wouldn't you? A. That would depend upon my opinion of the officer who sent it.

Q. If the officer was an officer like yourself, how would you feel about it? A. You will pardon me from flattering myself; I would rather you would ask me some other question in regard to it.

Q. You can answer that question; do you think that the excise board would be perfectly justified in your case after having received that? A. I think they would, because that was an honest report from me.

Q. How long have you known Mr. Griffith? A. About seven years.

Q. How intimately have you known him? A. Not any more than to speak to him when I met him in the street.

Q. How many times have you spoken to him about this matter? A. I have not spoken to him at all about the matter.

Q. Do you remember the date on which you showed him Mr. Bell's letter? A. I never remember to have shown him Mr. Bell's letter.

Q. Are you positive of that? A. I have no recollection.

Q. Are you willing to say that you did not show him Mr. Bell's letter? A. I can not recollect.

Q. Would you be able to recollect it if you had? A. I haven't any recollection about that.

Q. If you had showed him Mr. Bell's letter, would you be able to recall it, do you think? A. I think I would.

Q. Now, thinking that you would tell us whether you do remember that you did not show it to him? A. I do not; I don't remember whether I showed it to him or not.

Q. You may have shown it to him? A. I may have, but I don't remember that I did.

Q. You are not positive? A. I am not positive.

Q. What makes you feel that you may have shown it to him, and still not be positive about it? A. Well, I can't give any reason for it, except that I can't recollect it; that is the only reason I can give.

Q. Were you present at Griffith's place on the ninth of April when somebody gave that letter to Mr. Griffith in your presence — Dr. Finch? A. When Dr. Finch gave the letter to Griffith?

Q. Yes. A. What letter — this letter?

Q. Yes; were you present at Griffith's place on the ninth of April, and did you see Dr. Finch give a copy of that letter to Mr. Griffith? A. I don't know Dr. Finch.

Q. Did you ever see any one give a copy of that letter to Mr. Griffith? A. I don't recollect anything of the kind; I don't recall anything of the kind whatever.

Q. Now, we will go back to the question; you say that you may have given him that letter; I want you to still further probe your memory, and, in view of the fact that you say you may have given him the letter, answer yes or no as to whether you did give it to him? A. I can not answer that because I am not positive about it, and I won't answer anything except I am positive about it.

By Senator Fassett:

Q. Would you have deemed it improper to have shown him the letter? A. Yes; I think so.

By Mr. Ivins:

Q. Did you ever have any talk with Commissioner Koch about this case? A. No, sir.

Q. Or Commissioner Meakin? A. No, sir.

Q. Or Commissioner Fitzpatrick? A. No, sir.

Q. Or with Excise Inspector Moriarity? A. I met Moriarity in the lobby of the city hall one day and he just made a casual remark about it; there wasn't five words spoken about it, I don't suppose.

Q. What was said? A. I couldn't tell you the remarks that was made about it; he said that he was the inspector; never saw him before in my life, and I don't know him from a side of a sole leather.

Q. Did he ask you about the man's character? A. No, sir.

Q. Or about the general reputation of the place? A. He did not.

Q. What he did say was of the most casual kind? A. Yes; there wasn't more than two or three words spoken about it.

By Senator FASSETT:

Q. How many men have you under you? A. One hundred and twenty-four all told; that is 123 men and including myself 124.

Q. How many ward detectives? A. Two.

Q. Sergeants? A. Four.

Q. All the rest are patrolmen? A. Yes, sir.

Q. I wish you would enlighten me, I am a little ignorant on this subject; what is a roundsman? A. He is a detailed patrolman; that is, to visit the men; the roundsmen go out with the men on their respective platoons, two roundsmen on each platoon.

Q. They keep general supervision over the men? A. Yes, sir; over the men on patrol; one roundsman takes half of the precinct, and the other roundsman takes the other half; they divide the precinct at Fifty-sixth street, north and south.

Q. About how many licensed places have you in your precinct? A. I could not give you the exact number; I think there are 400; I am not positive.

Q. What is the general character of them? A. Well, they are pretty decent.

Q. I suppose there are some you would call a little more questionable than others? A. There are some places, of course, that you would not consider as nice a class of place as others; it is just like it is in all other kinds of business.

Q. Are there any considerable number that you have kept pretty strict watch over? A. No, sir.

Q. You haven't got a dozen pretty tough places? A. No, sir.

Q. They don't average up very tough up there? A. No, sir.

Q. Have you any places up there that are largely patronized by crooks — thieves? A. No, sir.

Q. Have you any concert saloons up there? A. No, sir.

Q. Not any at all? A. No, sir.

Q. It is not a usual thing, is it, to have the places in your precinct complained of by the neighbors? A. No, sir.

Q. Did you read the printed inclosure of Mr. Clark Bell's letter? A. I did.

Q. Are these gentlemen well-known citizens? A. I don't know any of them excepting Mr. Marston — that is, to know them personally.

Q. Do you know of Mr. Schoonmaker? A. No, sir.

Q. Or Mr. Lespinasse? A. No, sir.

Q. Or Dr. Finch? A. No, sir; I don't know Dr. Finch; never saw him to my knowledge, and wouldn't know him if I saw him now.

Q. Then you can not tell me whether those people whose names are

connected with the letter, are well-known citizens of good standing, or not? A. No, sir.

Q. That is about the most formal complaint you ever had made against any place in your district, isn't it? A. Yes, sir.

Q. And you did not consider it of sufficient importance to call any one's attention to it? A. No, sir; I did not.

Q. That seems a little strange to me, to tell you the truth? A. Well, I suppose so; I did not think it was sufficient.

Q. Had you known Mr. Bell for some time? A. I had known Mr. Bell for about a year or so.

Q. Previous to this? A. Yes, sir; and I never spoke to Mr. Bell but twice, and I don't know Mr. Bell very intimately at that.

Q. He improves upon acquaintance, doesn't he? A. I guess so.

Q. You had, previous to this letter from him, had some connection with this property owners' association, in clearing out some of the other houses, hadn't you? A. Yes, sir.

Q. You knew there was an organization there that meant business? A. Yes, sir.

Q. But upon their complaint, you did not think you ought to give any indication of doubt as to the character of this hotel to the excise board? A. No, sir; I did not think, in my own mind, that it was sufficient evidence for me to withhold my name from that man's application.

Q. You had helped these people in trying to clear out these places before? A. Yes, sir; and I am helping them yet.

Q. Do you remember having tried to help this association to clear out the inmates from 104 West Forty-fourth street? A. [Addressing Mr. Bell.] What house is that?

Mr. Bell.—The first brown stone house.

Q. Had this association furnished you with any evidence previous to this? A. None whatever.

Q. In reference to other houses, I mean? A. None whatever.

Q. Had they given you any suggestion? A. They had made remarks about them, that is all.

Q. Had you ever found that they were impracticable men, that their statements were unreliable? A. No, sir.

Q. You say it is out of your "power to detail a policeman as requested;" were you quite right in your interpretation of the law? A. We consider that a special post, and nobody has a right to make a special post except the commissioners.

Q. You heard what Commissioner McLean said? A. Yes, sir.

Q. He differed with you in that? A. Yes, sir; but my impression of that place was so that I did not feel disposed to have any civil suit brought against me by placing a man in front of that house, as other officers have had heretofore.

By Mr. IVINS:

Q. You assisted in trying to clear out 104 West Forty-fourth street? A. To the best of my ability.

Q. One of the women who, at one time kept one of those houses, was named Cutler? A. I don't know.

Q. And another was named Cobb? A. I couldn't tell you.

Q. Do you remember, after one of these women had been indicted, of going before the grand jury and swearing that she was straight, and after you had tried to assist this association in dislodging her? A. That is, that I knew nothing against her place.

Q. And that she was a woman of good reputation? A. Yes, sir.

Q. That was after you had assisted these gentlemen in endeavoring to get her out of the place? A. No, sir.

Q. Are you sure it was not after the indictment, and on the trial? A. I am not very clear on that.

Q. It couldn't have been, very well, before the indictment? A. I know I was subpœnaed.

Q. Didn't you tell Mr. Marston at the time you were trying to clear her out that she was a disreputable woman? A. I might have.

Q. And subsequently you went before the grand jury and said that you knew nothing against her? A. I didn't make any two different statements about that to anybody.

Q. Tell us what you told Mr. Marston first? A. I haven't any recollection of ever having talked with Mr. Marston about that.

Senator FASSETT.—I do not suppose we have a right to ask this witness what he said before the grand jury.

Q. Did you ever certify to any one to the character of Mrs. Cobb, who succeeded Mrs Cutler at that house? A. I don't recollect.

Q. Didn't you ever tell Mr. Marston that Mrs. Cobb was a woman of bad reputation? A. I don't remember that.

Q. Don't you remember that after Mrs. Cobb succeeded Mrs. Cutler in 104 West Forty-fourth street that the place acquired a disreputable name? A. No; I don't remember either one of the names.

Q. Do you remember Mr. Marston and Mr. Bell calling upon you at your station-house for information about Mrs. Cobb, who succeeded Mrs. Cutler? A. I haven't any recollection of that, either.

Q. Do you remember such a call? A. I do not.

Q. Do you remember the fact that they did call? A. I think Mr. Marston called at the station-house, but I have no recollection of that; you see I have a good many people calling on me at the station-house, and I have no recollection of those things.

By Senator Fassett:

Q. You can not remember all the callers that you have? A. No, sir; it is utterly impossible for any captain of police to do that — to keep in his memory the number of people who call to see him, or what they call for; it is utterly impossible for him to do it.

James Smith, called as a witness, and being duly sworn, testified as follows:

By Mr. Ivins:

Q. [Showing bundle of papers to the witness.] Is this the entire record of the Griffith case in your office? A. As far as I know; I received it from Mr. Costigan, the chief clerk in the district attorney's office.

Q. Will you look among these papers and see whether you can find any record of the party defendant? A. I am nothing but a subpœna server in the office; I am not a clerk in the office.

Mr. Ivins.— I find this memorandum: Two hundred and fifty-seven, and at the head the indorsement, "John T. Quincy." That is exactly opposite what I suppose is meant to have been opposite the word "counsel." Then it says: "Filed 29th of April, 1890. Pleads not guilty May fifth."

Senator Fassett.—What case is that?

Mr. Ivins.—This is in the case of this man Griffith.

Senator Fassett.— So that the attorney of record appears to be Mr. John C. Quincy?

Mr. Ivins.—Yes, sir. And there is on one of the papers this memorandum: "If there is any evidence sufficient to convict upon have these parties indicted; J. R. F., district attorney."

Mr. Leventritt.—There is no indication on these papers of Judge Koch's appearance for Griffith?

Mr. Ivins.— No, sir; that is disposed of.

James T. Kilbreth, recalled.

By Mr. Ivins:

Q. You have already testified that you are a police justice? A. Yes, sir.

Q. Do you think that, after an indictment has been found, if the party by the consent of his counsel were to be sent to the Special Sessions for trial from the General Sessions and the party, after conviction, were to raise the question as to the legality of the conviction, that he would succeed? A. I can find no law which authorizes such a proceeding on the part of the General Sessions after indictment found, and the question that you put is a question which purely involves my opinion, and I would, as my opinion, answer your question in the affirmative.

Q. What is the maximum penalty that can be imposed by the Court of Special Sessions on an offender for violation of the excise laws? A. There are two penalties prescribed for different violations; the highest penalty that can be prescribed is for those sections where the penalty is either prescribed in terms or the offense is designated as a misdemeanor without prescribing the penalty, and in that case the penalty is a discretionary one of imprisonment not to exceed one year or of a fine not to exceed $500 or both.

Q. And that applies to the case of selling liquor without a license, for instance? A. Yes, sir.

Q. Does that apply to cases for selling liquor on Sunday? A. No, sir.

Q. What is the maximum penalty there? A. The penalty for selling liquor on Sunday is a fine of not less than thirty dollars nor more than $200, and imprisonment for not less than five nor more than fifty days — my impression is; I haven't had an opportunity to look up and prepare on these subjects; but my recollection is that it is not less than five or more than fifty days or both.

Q. That last is also the rule with regard to selling after the legal hours, is it not? A. No, sir.

Q. What is the rule in that respect? A. The rule in regard to selling after legal hours is the same as selling without a license.

Q. That is, a full year? A. Yes, sir.

Q. Now, out of the 345 cases brought before your court 200 resulted in convictions; the clerk of the court has testified that during last year there have been only four cases in which the convictions resulted in imprisonment; will you tell the committee why it is that out of 200 cases the minimum penalty should appear upon this record to have been imposed, and that there should have been only four cases of imprisonment? A. I have not examined the record, and I am not prepared to accept the statement that the minimum penalty does appear in every case.

Q. I don't say in every case; I say the majority; I run through with them in this way; take the first page: Fined thirty dollars, fined fifty dollars, fined twenty-five dollars, acquitted, fined thirty dollars, fined thirty dollars, acquitted, fined twenty-five dollars, fined twenty-five dollars, acquitted, and so on; is it the policy of your court to impose a minimum penalty? A. There is no policy of the court upon this point, so far as I understand the word to mean, in the particular line of action which is laid down by the court for its guidance; there is no arbitrary or fixed rule established in regard to the imposition of these penalties, and it has been the practice always to determine the penalty in each case according to the merits and the circumstances attending that case.

Q. How do you account for the fact that the merits of each case should show such great uniformity in the operation caused by imposing the minimum fine? A. I account for that in several ways — that is, for several reasons; in the first place, a very large proportion of these convictions are for the sale of beer on Sunday; unless there is something especially noticeable about the character of the place or the proprietor, which distinguishes it from the ordinary beer saloon, it has usually been found that a fine of thirty dollars, on a conviction which also carries with it a revocation of the man's license, that the punishment has seemed usually in those cases to be ample; in other cases, and in a very large number of cases, the defendant upon whom the conviction falls is not the proprietor of the place, but he is a paid attendant, and usually a man in humble circumstances who is dependent upon his employment, and who is, through force of circumstances, obliged to commit an offense for which the proprietor of the place is really the responsible person and the offender who ought to be reached; in those cases we have deemed it generally a sufficient penalty to inflict a fine of thirty dollars, and that conviction also carrying with it a revocation of the proprietor's license.

Q. Have you ever known of the infliction of the maximum penalty by way of imprisonment? A. I am not prepared to say whether such has been done or not; to answer that correctly I should have to examine the record; but I do recall very distinctly two or three cases, certainly two, in which the defendants were sentenced to six months each in the penitentiary, and another case that I have in my mind is where there was a sentence of three months to the penitentiary.

Q. Two police officers have said if this liquor law was enforced by the infliction in a certain number of cases of the maximum penalty, that that would be a very material aid and assistance to the police department in the control of this traffic; have you any-

thing to say in regard to that? A. My answer to that is that I do not think the severity of penalty is so essential to secure the proper obedience to a law, whether it be an excise law or any other law, as the certainty of the punishment and the celerity with which it follows the commission of the offense.

By Mr. LEVENTRITT:

Q. You state that in most cases a fine of thirty dollars was imposed, but you also imposed a revocation of the license? A. The conviction revokes the license.

Q. And the revocation of the license involved the loss of that sum of money for the balance of the year which had been paid for the license; did it not? A. I am not sufficiently familiar with the financial dealings of the excise board with the licensee as to answer any question on that point; the conviction does *ipso facto* revoke the license.

Q. In instances where by means of bills of sale and affidavits and places are relicensed under other names; you have heard of instances of that kind? A. I have heard of such instances; I know nothing about them except from hearsay.

Q. Don't you know that it is necessary for a person applying to take out a license to pay the license fee from that time forward, and that the unexpired part of the license is a loss? A. Yes, sir.

Q. So that in addition to the fine there is that penalty attaching to the person convicted? A. That penalty is simply a part of the penalty which is contained in the revocation of the license.

Q. I understand that, but it results from the conviction? A. It results from the conviction, certainly.

Mr. IVINS.—I have now called about seven or eight of these inspectors, but there are forty of them who yet remain to be called. In the case of nearly every one of these inspectors there will be one or more instances which will lead to specific investigation of particular places.

Senator FASSETT.—Such as we have already gone over.

Mr. IVINS.—Such as we have already gone over. Now, it was arranged, as I understand it, that the sessions of the committee should end to-morrow night.

Senator FASSETT.—Yes.

Mr. IVINS.—If we go on to-morrow it will have the effect of opening up a number of these cases and then leaving them in a position where they can not be closed before the committee adjourn; and it would result in no particular good. Therefore, in view of the fact that I have now produced all the evidence that I regard as being necessary

to produce as to each one of the specific cases which has been opened, so that each one of those cases stands now virtually closed, I would suggest that we adjourn to-night instead of to-morrow night, because to-morrow's session devoted to this work will not be of any material aid.

Senator FASSETT.— Mr. Ivins, do you think it will take about ten working days to close up the work in this department.

Mr. IVINS.— Yes, sir; if the commissioners were willing to take the stand now I should consider that an excuse for this committee continuing its labors until the early part of next week, when its sessions would have to stop.

Senator FASSETT. — The committee would not undertake to sit later than to-morrow night.

Mr. IVINS. — The commissioners having thought it proper not to take the stand in view of their indictments, it will be necessary to call the ex-president of the board, Mr. Charles H. Woodman, and also ex-commissioner John Von Glahn, and I think the time required for the examination of those commissioners and the present commissioners, if they desire to take the stand, will probably occupy at least three or four days, and I think the time required to go into the specification which will arise out of the investigation by the report of these inspectors, will consume four or five days more.

Senator FASSETT. — Of course, the natural order would be to finish with these inspectors, but if we go on and take up two or three others we would have to have a session on Friday or Saturday to close up the testimony in those cases, and now we have got to a point where all the cases have been closed up.

Mr. LEVENTRITT. — Not being the private counsel for either one of the three gentlemen composing the excise board, I am unprepared to say whether those gentlemen, or either of them, desire to take the stand, or whether it is their intention to plead the privilege by reason of the indictment, and, therefore, I am unprepared to say whether they will or will not ask to be examined as witnesses. I do not wish my silence construed into a refusal on their part to be examined, as they have separate counsel who are not present at this moment, and, therefore, unable to speak for them, and I am not authorized to speak for any one of them. I am here representing the board of excise generally, and not any of the commissioners individually.

Senator FASSETT. — I have always assumed that when the time came the commissioners would gladly appear as witnesses, and in order that there may be no mistake, I will say that I have consulted with Senator McNaughton and we both agree that this is about as good a point as any to stop at, and the committee will adjourn now subject to the call

of the chair, always having in mind the statement made by the chairman of the sub-committee this morning with reference to Mr. Croker's appearing as a witness.

EXHIBIT No. I.

This memorandum, by and between Patrick McCann, party of the first part, and John Flanagan, and Samuel Adams, partners doing busines under the style of Adams & Co., parties of the second part: witnesseth, that

WHEREAS, The said P. McCann has certain merchandise and stock in trade inventoried and appraised by agreement between the parties hereto at $33,246\frac{25}{100}$, and,

WHEREAS, The said P. McCann has in addition thereto, certain fixtures in his store, No. 357 Sixth avenue, the cost of which amounted to $7,695\frac{10}{100}$, but which are appraised by the parties hereto as of the value of $5,000, and,

WHEREAS, The said P. McCann has in addition to the above an unsettled claim against one Thomas D. Adams, amounting as alleged by said P. McCann, to the sum of about $10,000, and has also a certain lease of the premises 357 Sixth avenue, now occupied by said P. McCann as a dry goods store.

Now, therefore, the said P. McCann hereby transfers, assigns and sets over to the said Adams & Co., all the stock of merchandise, fixtures, the lease-hold interest, the good-will, and the assets of whatsoever sort or kind belonging to and appertaining to the business heretofore conducted by the said P. McCann in the premises No. 357 Sixth avenue.

And he further assigns and sets over to the said Adams & Co. so much of his claim against the said Thomas D. Adams as will amount to the sum of $5,000.

In consideration of the foregoing the said Adams & Co., hereby agree to assume all the indebtedness of the said P. McCann in an aggregate of $49,326\frac{31}{100}$, and to indemnify and hold harmless the said P. McCann against the same.

The said Adams & Co. also agree to pay to the said P. McCann a further consideration of $2,500 in cash.

In witness whereof the parties hereto have hereunto set their hands and seals this 16th day of April, A. D., 1885.

ADAMS & CO.,
By JOHN FLANAGAN.
P. McCANN.

Witness:
W. S. DUNN.

COURT OF COMMON PLEAS.—CITY AND COUNTY OF NEW YORK.

BERNARD KING *v.* PATRICK MCCANN *et al.*

In this action tried before this court, at a Special Term on the 24th of May, 1877, I make and file the following findings of fact and conclusions of law:

FINDINGS OF FACT.

That on January 5, 1875, the plaintiff Bernard King, was the owner of one equal undivided half or moiety of all that certain lot of land situate, lying and being in the ninth ward of the city of New York, on the northeasterly side of Thirteenth street, between Seventh and Greenwich avenues, formerly called "Greenwich lane," and known and distinguished on map No. 3 of the piece of land situate on Greenwich, in the ninth ward of the city of New York, showing a division of the same between the heirs of John Rogers, deceased, made by Daniel Owen and Thomas R. Ludlow, city surveyors dated May, 1824, numbered twenty-two, on file in the office of the Register of the city and county of New York, and known on said map by the No. 105, bounded southwesterly in front by Thirteenth street, northwesterly in the rear by lot No. 63 on said map, southeasterly by lot No. 106 on said map, and northwesterly by lot No. 104 on said map, containing in breadth in front and also in the rear twenty-five feet, and in depth on each side 103 feet 3 inches, together with the tenements and hereditaments thereunto belonging.

II. That on the 5th of January, 1875, one Patrick McManus was the owner of the other moiety or half part of the premises above described, and the said King and McCann were the owners each of one-half of the whole of said lot and premises.

III. That King and McManus, as such owners of the entire lot, executed a mortgage upon the premises for $12,000 to Alfred Roe and another, as trustees and which was a lien on said premises on the 5th day of January, 1875, when the plaintiff, King, executed the deed now sought to be set aside to McCann.

IV. That after the giving of the above $12,000 mortgage McManus executed and delivered to the defendant, McCann, a mortgage for $1,500 on his moiety or half of said premises, which was afterwards foreclosed and sold by a referee at the Merchants' Exchange, in this city, the defendant McCann being the purchaser at the sale; and on delivery of the referee's deed to him he became the owner of the moiety which was previously owned and mortgaged by McManus.

V. That while King and McManus were the owners of the premises they suffered the interest on the $12,000 mortgage to remain unpaid,

and were, in fact, unable to pay the same, and also allowed the taxes for two years or more to go unpaid and in consequence the trustees commenced foreclosure proceedings of the $12,000 mortgage aforesaid, and McCann, in order to protect his $1,500 mortgage and save it from being cut off, arranged with the trustees to pay to them the interest then due and the costs incurred, and both of which he did pay, and the trustees withdrew and discontinued the foreclosure proceedings.

VI. That on January 5, 1875, the plaintiff, jointly with his wife Mary King, executed to the defendant Patrick McCann a deed of all his equal undivided one-half of said premises hereinbefore described, and all plaintiff's and his said wife's right, title and interest in and to said property, and which said deed was recorded on March 6, 1875, in the office of the Register of the city and county of New York, in Liber 1307 of Conveyances, page 470.

VII. The said defendant has since taken possession of the whole of said land and premises, and from the date of the execution of said deed received and retained to his own use the rents and profits of said land and premises.

VIII. That said deed was executed by the plaintiff and his said wife to the defendant, Patrick McCann, without any consideration or benefit whatever, and in ignorance of its nature and contents' that the same was procured by the defendant, Patrick McCann, from the plaintiff and his said wife upon the false and fraudulent representation and statement that the same was not a deed of conveyance of plaintiff's right and interest in and to said land and premises, but the mere authorization to collect the sum of $100 monthly out of the rents and profits of said land and premises, to be applied to the payment of the interest on the mortgage, covering the whole of said land and premises, and the taxes thereon and which interest and taxes said McCann promised and agreed with plaintiff to advance and pay, that is the plaintiff's share or part thereof to be repaid to said McCann out of plaintiff's share of the rents and profits of said land and premises.

IX. That the defendant McCann has reserved the whole of the rents and profits of said land and premises since the date of the execution of said deed; that he has paid certain moneys for interest and taxes, which he is entitled to deduct therefrom, and also such sums as he may have paid for repairs upon said premises with the consent of the plaintiff, the amount so received and paid to be ascertained by the referee on the accounting.

PRESS CLIPPING — DECEMBER 17, 1888.

Robbed in an opium den. Horse trainer Kennedy lost $2,500 while he slept. He formed the acquaintance of a Boston thief, a Sixth avenue young man and girls in Clark's restaurant — a couple of bottles of wine and then opium.

Edward Kennedy a horse trainer and the owner of fine racers left his home in Trenton. He always carries a big roll of bills so that he can snap up a good bargain when he sees one. He met several friends in the afternoon, drank a few bottles of wine and went to the Everard baths on Twenty-eighth street. He there divided his money, putting $2,500 in his inside waistcoat pocket and $200 in his trousers for incidental expenses. The trainer dined at Trainor's restaurant, and about 10 o'clock at night strayed over to Clark's restaurant. Every one was whooping it up in the room and Kennedy opened a couple of bottles of wine for some of the girls. The mirrored wall not only reflected his contented contenance, but also, showed his $200 roll to all the women, bunco men and thiefs at the tables. They wanted part of it but he held it pretty tight. Jack Hollish, who sometimes calls himself Hollis, and at other times Hawkins, is a Boston thief, and Andy Barker is one of those accommodating sixth produces always pining to show strangers the seemy side of the metropolis. They helped Kennedy finish the wine, and then induced him to pass an hour in a Sixth ward opium joint. They called it a private club. Kennedy doesn't know just where it was, but he remembers going into a back room, where many men and two women were smoking opium. The men had their coats off and the women had dresses. The apartment was furnished with mattresses. Kennedy flung himself down on one and his companions put their heads on his breast, stretched out their legs and began to smoke opium. Kennedy fell asleep, or was put asleep and woke up after midnight. His companions were gone, his waistcoat unbuttoned and his $2,500 missing.

OFFICE OF THE BOARD OF EXCISE, 54 BOND STREET,
NEW YORK, *December* 31, 1889.

HON. HUGH J. GRANT, *Mayor:*

SIR.— We respectfully submit to you our report on the operations of the board of excise for the calendar year ending December 31, 1889.

The total number of licensed places now in existence in the city and county of New York is 8,885, classified as follows:

	Class.	Number.	License fee.
Hotels	1	108	$250
Hotels	2	154	200
Liquors, ale, beer and wine	3	5,857	200
Ale and beer only	5	194	30
Ale beer and wine only	6	1,266	50
Restaurant	7	152	100
Steamboat	8	56	50
Total number	.....	7,787	.....

Licensed to sell strong or spirituous liquors, wines, ale and beer to be drank on the premises.

Of that number 152 are restaurants, Class 7, where no bar is permitted, and where strong and spirituous liquors, wines, ale and beer are served with food only; and 575 are restaurants where a bar is permitted, but many of which, however, have no bar. Of the latter 375 are Class 3, seventy-six are Class 5 and 124 are Class 6.

The total number of licensed drinking places, other than hotels, restaurants and steamboats is 6,742. The total number of such places in existence one year ago was 6,820, showing a decrease within the year of seventy-eight.

During the past year fifty-six steamboat licenses were issued; an increase of fourteen over the preceding year; the increase appears to be due to the fact that owners of boats have failed to recognize the authority of the board of excise, but upon proper explanation readily complied with the State law. Several owners of steamboats still refuse to comply with the law and legal proceedings have been instituted to punish them for its violation.

In places licensed to sell liquors not to be drank on the premises, such as wholesale dealers, druggists, grocers, etc., the license fee was regulated by the amount of business done are as follows:

	Class.	Grade.	Fee.
Storekeepers	4	A 29	$250
Storekeepers	4	B 17	150
Storekeepers	4	C 42	100
Storekeepers	4	D 1,010	50
Total number	.....	1,098	.....

The total number of such licenses issued the previous year was 971. The increase in the number of storekeeper's licenses issued during the past year being 127, chiefly from the growth of the grocery and beer bottling business.

The growth of the city has increased the demand for licenses known as storekeepers, allowing the sale of liquors, etc., not to be drank on the premises. The grade of licenses, where drinking on the premises is allowed, has decreased. The law permitting transfer of the license is sufficient to supply the demand for this class of traders and lessens the number at the same time.

The receipts for licenses during the past year have been $1,442,770, an excess of $12,350 over the receipts during the previous year, with less licensed places where a bar is permitted and drinking on the premises allowed. We would call the attention to the fact that while this report calls for twelve months work, January, February, March and April was in charge of our predecessors.

During the above months there was a falling off in the receipts compared with the previous year of $14,410, while the balance of the year as compared with the previous one was an excess of $26,760, showing a net gain on the year's work of $12,350.

During the past year 127 complaints for violation of the excise law were brought to trial before the board; seventy-nine were complaints received by the board, and eight were initiated by it; as the result of above trials, forty licenses were revoked.

In addition to the trials, 246 hearings were held upon protests made to granting, transferring or surrendering licenses.

The number of applications rejected by the board was 358.

The number of applications granted for transfers of licenses, 451.

RULES OF THE BOARD OF EXCISE.

The following rules of the board of excise were adopted for the guidance of persons having business to transact with the board.

The board of excise will not permit any increase in the number of drinking places beyond the number now licensed, and a license will not be issued for a new place except upon the closing of an existing place, and the surrender of the license thereof.

An application for a license for a new place must be accompanied by the written consent of the owner of the property, or his authorized agent, that spirituous liquors, wine, ale or beer, may be sold on the premises.

A license will not be issued for a new place adjoining or in the immediate vicinity of a church, school house, hospital or asylum.

A third corner will be licensed for a new place, *i. e.*, where two corners of any streets are already licensed, a license will not be issued for a new place at a third corner.

A place closed and unlicensed for more than three months will be considered as a new place if application for a license at that place is made.

No license will be granted for a new saloon, whether by transfer or surrender of a license where such transfer or surrender would result in the permanent closing of the licensed saloon, without first notifying the owner or landlord of the licensed place and giving him opportunity to be heard.

A license to sell spirituous liquors, wine, ale or beer, to be drank on the premises, will not be granted at any place connected with a grocery or provision store.

Application for a renewal of license should be made not less than two weeks before the time the existing license expires.

Application must be made by the applicant in person accompanied by the bondsmen, at the office of the board of excise, where the necessary papers will be prepared by the clerks without fee or charge.

Any officer or employe of the board of excise who accepts any fee or gratuity from any person will be dismissed.

If an application for a license, or any person interested with or representing such applicant, gives, or offers to give, any money or anything of value to any officer or employe of the board of excise to influence or reward his action, as such officer or employe, the board of excise will, upon proof of any such gift or offer, refuse a license to such applicant.

The duties of an inspector of excise are confined to making such written reports to the board of excise as are required by the rules or by direction of the board.

Inspectors have no proper business to transact with applicants for license in or about the office of the board of excise. It is their duty to visit the applicants at their residences or their places of business when necessary in making their inspections.

Inquiries relating to the business of the board of excise must be addressed to the secretary.

Any employe of the board of excise who shall give any information to any person regarding the business of the board of excise except under the direction or by the authority of the board, will be dismissed.

CLASSES AND GRADES OF LICENSES.

Class 1.

For a first-class hotel, $250; a hotel having a bar, and in addition thereto a restaurant or café and a hotel having either a bar, restaurant or café, and having fifty or more sleeping-rooms, shall be considered a first-class hotel.

Class 2.

For a second-class hotel, $200; a hotel license is issued, under the law as defined by adjudication only to a place where guests can be entertained or provided with "lodgings, meals, refreshments and such services and attentions as are necessarily incident to the use of the house as a temporary home."

Class 3.

To sell strong or spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time to be drank on the premises (saloon license), $200.

For storekeeper's license to sell strong or spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, not to be drank on the premises.

Class 4.

Grade A.— For one whose sales are $10,000 or more per annum, $250.

Grade B.— For one whose sales are $5,000 or more, and less than $10,000 per annum, $150.

Grade C.— For one whose sales are $2,500 or more, but less than $5,000 per annum, $100.

Grade D.— For one whose sales are less than $2,500 per annum, $50.

Class 5.

To sell ale and beer only, to be drank on the premises, $30.

Class 6.

To sell ale, beer and wines only, to be drank on the premises, $50.

Class 7.

Restaurant without bar, to sell spirituous liquors, wines, ale and beer, at table with food only, $100.

Class 8.

Steamboat with bar to sell spirituous liquors, wines, ale and beer, $50.

As to classes 5 and 6, the following rules apply: A license, class 5 or 6, will not be issued until a permanent sign on glass, metal or wood, has been put up over the entrance to the premises, on the out-

side, in a conspicuous position bearing in letters not less than two inches in height, the following words: Ale and beer only (or, ale, beer and wines only), no spirituous liquors sold.

All signs on the premises, inside or out advertising the sale of spirituous liquors, of any sort, must be taken down, and all spirituous liquors must be removed from the premises.

Upon proof that any spirituous liquors has been sold upon a place licensed to sell ale and beer (or wines) only, the license will be revoked, and the bondsmen will be immediately prosecuted for the full penalty of the bond; and a license to sell ale and beer (or wines) only will not be issued again for that place.

All applicants have abided by the decision of the commissioners, and no appeals have been made to the courts to compel the granting of a license.

Respectfully submitted.

ALEX. MEAKIN,
EDW. T. FITZPATRICK,
JOSEPH KOCH,
Commissioners.

LICENSES IN FORCE DECEMBER 31, 1889.

POLICE PRECINCT.	CLASS.								
	1.	2.	3.	4.	5.	6.	7.	8.	Total.
1	4	5	206	41	2	10	8	.....	276
2	4	23	215	47	8	31	3	.....	331
4	3	3	237	21	4	30	4	.....	302
5	3	5	186	20	4	13	7	.....	238
6	3	5	170	22	2	26	3	.....	231
7	.....	.....	156	16	9	13	.....	.....	194
8	2	1	199	21	6	49	4	.....	282
9	.....	6	238	41	7	10	4	.....	306
10	2	.....	143	37	3	51	5	.....	231
11	.....	5	287	22	11	169	9	.....	503
12	1	3	147	5	9	50	.....	.....	215
13	.....	.....	163	9	16	119	.....	.....	307
14	.....	6	269	38	14	207	8	.....	542
15	15	8	172	46	4	20	18	.....	293
16	3	3	158	38	2	16	3	.....	223
18	10	7	204	33	9	55	10	.....	328
19	33	13	190	74	4	13	37	.....	364
20	2	6	302	50	5	73	2	.....	440
21	.....	4	182	38	6	43	3	.....	276
22	5	10	346	70	3	49	6	.....	489
23	9	6	244	74	9	50	7	.....	399
24	.....	.....	.....	.....	.....	.....	.....	56	56
25	1	.....	226	55	9	58	2	.....	351

26	1	.....	118	61	5	3	1	.....	189
27	.....	1	355	81	4	41	1	.....	483
29	1	5	273	64	4	14	4	.....	365
30	1	3	113	45	7	5	1	.....	175
31	2	4	17	.....	5	2	.....	.....	30
32	.....	11	53	3	8	2	.....	.....	77
33	3	3	214	22	8	35	1	.....	286
34	.....	2	56	8	1	5	1	.....	73
35	.....	6	18	6	6	4	.....	.....	40
Total	108	154	5,857	1,098	194	1,266	152	56	8,885

LICENSES IN FORCE DECEMBER 31, 1889 — (*Concluded*).

POLICE PRECINCT.	CLASS.					Drugs, Class 3.	RESTAURANTS.					Closed places, licenses still in force.
	Wholesale and retail liquors.	Grocers.	Druggists.	Bottlers.	Totals.		3.	5.	6.	7.	Total.	
1	30	4	5	2	41	....	78	1	6	8	93	2
2	32	9	5	1	47	2	29	3	7	3	42	.....
4	4	11	5	1	21	1	26	3	5	4	36	.....
5	4	7	1	8	20	1	31	4	8	7	50	4
6	1	20	....	1	22	....	10	2	4	3	19	3
7	5	4	1	6	16	....	3	4	1	....	8	3
8	8	11	....	2	21	1	29	1	16	4	50	3
9	9	25	3	4	41	....	6	7	2	4	15	3
10	4	20	2	1	27	....	24	1	10	5	40	9
11	9	3	2	8	22	....	3	2	5	9	19	.....
12	1	2	1	1	5	....	1	2	....	....	3	4
13	3	4	....	2	9	....	6	....	5	.....	11	2
14	10	17	4	7	38	....	19	6	9	8	42	7
15	8	30	7	1	46	...	30	4	10	18	62	3
16	4	30	3	1	38	1	6	2	4	3	15	2
18	1	22	4	6	33	....	10	4	2	10	26	6
19	12	48	10	4	74	1	3	4	3	37	47	3
20	5	26	8	11	50	....	2	5	2	2	11	....
21	5	28	2	3	38	....	14	3	9	3	29	4
23	5	55	4	6	70	....	1	....	3	6	10	1

| | | |

LICENSES ISSUED FROM JANUARY 1, 1889, TO AND INCLUDING DECEMBER 31, 1889.

MONTHS.	CLASS 1, FIRST-CLASS HOTEL.			CLASS 2, SECOND-CLASS HOTEL.			CLASS 3, SALOON.		
	Number	Rate.	Amount.	Number	Rate.	Amount.	Number.	Rate.	Amount.
January	4	$250	$1,000	9	$200	$1,800	418	$200	$83,600
February	11	250	2,750	10	200	2,000	565	200	113,000
March	9	250	2,250	14	200	2,800	570	200	114,000
April	13	250	3,250	21	200	4,200	906	200	181,200
May	18	250	4,500	27	200	5,400	840	200	168,000
June	9	250	2,250	13	200	2,600	536	200	107,200
July	7	250	1,750	16	200	3,200	427	200	85,400
August	11	250	2,750	5	200	1,000	347	200	69,400
September	9	250	2,250	6	200	1,200	370	200	74,000
October	9	250	2,250	12	200	2,400	433	200	86,600
November	5	250	1,250	15	200	3,000	344	200	68,800
December	8	250	2,000	12	200	2,400	332	200	66,400
Total	113	....	$28,250	160	...	$32,000	6,088	...	$1,217,600

LICENSES ISSUED FROM JANUARY 1, 1889, TO AND INCLUDING DECEMBER 31, 1889 — (*Continued*).

MONTHS.	CLASS 4, STOREKEEPER A.			CLASS 4, STOREKEEPER B.			CLASS 4, STOREKEEPER C.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	1	$250	$250	1	$150	$150	2	$100	$200
February	3	250	750	1	150	150	3	100	300
March	1	250	250	3	150	450	5	100	500
April	3	250	750	5	150	750	5	100	500
May	11	250	2,750	3	150	450	13	100	1,300
June	4	250	1,000	1	150	150	5	100	500
July	3	250	750	1	150	150	3	100	300
August	1	250	250	1	150	150	3	100	300
September	4	250	1,000	.....	....	.....	1	100	100
October	1	250	250	2	150	300	1	100	100
November	1	250	250	.....	....	.....	2	100	200
December	.....	....	.....	1	150	150	1	100	100
Total	33	....	$8,250	19	....	$2,850	44	....	$4,400

LICENSES ISSUED FROM JANUARY 1, 1889, TO AND INCLUDING DECEMBER 1, 1889 — (*Continued*).

MONTHS.	CLASS 4, STOREKEEPER D.			CLASS 5, ALE AND BEER.			CLASS 6, ALE, BEER AND WINE.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	36	$50	$1,800	11	$30	$330	129	$50	$6,450
February	45	50	2,250	16	30	480	117	50	5,850
March	94	50	4,700	22	30	660	152	50	7,600
April	112	50	5,600	21	30	630	173	50	8,650
May	147	50	7,350	27	30	810	187	50	9,350
June	120	50	6,000	28	30	840	146	50	7,300
July	88	50	4,400	14	30	420	93	50	4,650
August	64	50	3,200	12	30	360	84	50	4,200
September	69	50	3,450	22	30	660	104	50	5,200
October	92	50	4,600	11	30	330	93	50	4,650
November	72	50	3,600	13	30	390	96	50	4,800
December	79	50	3,950	12	30	360	95	50	4,750
Total	1,018	....	$50,900	209	....	$6,270	1,469	....	$73,450

LICENSES ISSUED FROM JANUARY 1, 1889, TO AND INCLUDING DECEMBER 1, 1889 — (*Concluded*).

MONTHS.	CLASS 7, RESTAURANT.			CLASS 8, STEAMBOAT.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	11	$100	$1,100	.....	.....	.....
February	11	100	1,100	.....	.....	.....
March	24	100	2,400	.....	.....	.....
April	19	100	1,900	1	$50	$50
May	13	100	1,300	1	50	50
June	13	100	1,300	12	50	600
July	9	100	900	27	50	1,350
August	10	100	1,000	6	50	300
September	16	100	1,600	.....	.....	.....
October	10	100	1,000	9	50	450
November	12	100	1,200	.....	.....	.....
December	12	100	1,200	.....	.....	.....
Total	160	.....	$16,000	56	.....	$2,800

RECAPITULATION.

		Number.	Amount.
Class 1	First-class hotel	113	$28,250
Class 2	Second-class hotel	160	32,000
Class 3	Saloon	6,088	1,217,600
Class 4	Storekeeper, A	33	8,250
Class 4	Storekeeper, B	19	2,850
Class 4	Storekeeper, C	44	4,400
Class 4	Storekeeper, D	1,018	50,900
Class 5	Ale and beer	209	6,270
Class 6	Ale, beer and wine	1,469	73,450
Class 7	Restaurant	160	16,000
Class 8	Steamboat	56	2,800
		9,369	$1,442,770

RECAPITULATION.

Month.		Number.	Amount.
January	Licenses issued	622	$96,680
February	Licenses issued	782	128,630
March	Licenses issued	894	135,610
April	Licenses issued	1,279	207,480
May	Licenses issued	1,287	201,200
June	Licenses issued	887	129,740
July	Licenses issued	688	108,270
August	Licenses issued	544	82,910
September	Licenses issued	601	89,460
October	Licenses issued	673	102,930
November	Licenses issued	560	83,490
December	Licenses issued	552	81,310
		9,369	$1,442,770

EXHIBIT 2.

(New Place.)

SALOON. APPLICATION FOR LICENSE, CLASS 3. NEW YORK.

....., 189..

To the Board of Commissioners of Excise of the City of New York:

The undersigned.....

residing at No ....., in the city of N

York, hereby applies for a license permitting h.... to sell and dispose of strong and spirituous liquors, wines ale and beer in quantities less than five gallons at a time at..... ....., in the city of New York, to be drank on the premises.

The undersigned hereby declares that ...he is a person of good moral character; and further declares that..... ..... The name of the building is.....; the bar is located in the..... story. The balance of the building is used as..... The premises have not been licensed heretofore, since..... The premises are owned by....., residing at..... Applicant pays rent to....., at..... Applicant was formerly licensed at..... ..... for..... years. Neither the applicant nor any of h.... employes was ever arrested for violation of the Excise Law. Neither the applicant nor any employe of h... has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon, or for any entertainment of the stage. No waiter girls are employed and no music is to be employed on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the block is..... The applicant is..... ... a citizen of the United States and is..... a resident of the city of New York. The applicant has paid an internal revenue tax of $..... There is no church, school, hospital or asylum on the same block, on either side of the street, nor within 500 feet of the place for which license is applied for. There is not, and will not be, any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers, shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description, within said premises so kept by h....; or in any out-house, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed, he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 6, 1857, and the acts of the Legislature supplemental thereto and amendatory thereof. The name of

the applicant and of every person interested or to be interested in th business, to authorize which the license hereby applied for shall b used..... as follows:

....., residing at.....
....., residing at.....
....., residing at .....

(Signed,) .....
Applicant.

(New place.)

SALOON. APPLICATION FOR LICENSE, CLASS 3.

No.....
Dated....., 189....
Name.....
Place.....
.....Precinct.
Old license expires ....., 189....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported....., 189....

Bond approved.....
By.....
License issued....., 189....
License No .....
License expires....., 189....
....., *Secretary.*
License fee, $200.

CITY AND COUNTY OF NEW YORK, *ss.*:

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this..... day of....., 189..

.....
Notary Public.

BOND. SALOON CLASS.

KNOW ALL MEN BY THESE PRESENTS, That we....., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this.....day of....., one thousand eight hundred and ninety.

WHEREAS, The said....., has made application to the Board of Commissioners of Excise of the city of New York, for a license to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises at....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1867, and the acts of the Legislature supplemental thereto and amendatory thereof.

Now, therefore, The conditions of this obligation is such, that if during the time for which the said license shall be granted, ...he shall not suffer h.... place of business to be disorderly; nor suffer any gambling or keep a gambling table of any description within said premises so kept by h...., or in any out-house, yard or garden belonging thereto; nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed, he shall keep and observe the provisions of the acts herein above mentioned and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

.....

.....

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, ss.:

On this..... day of....., A. D., 189...., before me personally came....., to me known and known to me to be the individuals described in and who

executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the..... owner of....., and that the aforesaid property is worth the sum of..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 189..

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the..... owner of....., and that the aforesaid property is worth the sum of..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 189..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

Commissioners.

Dated, NEW YORK, ..., 189....

(Indorsed.)

SALOON. CLASS 3.

Bond No.....

License No.....

To

The People of the State of New York,

.....

.....

Filed by the Board of Commissioners of Excise....., 189....

....., *Clerk.*

EXHIBIT No. 3.

LANDLORD'S CONSENT THAT TENANT MAY SELL STRONG AND SPIRITUOUS LIQUORS OR WINES, ALE OR BEER, ON LEASED PREMISES.

This consent should be signed by the owner. In the absence of the owner it may be signed by his or her authorized agent, but in that case the affidavit below must be duly sworn to:

NEW YORK, ..., 189....

To the Board of Excise:

This is to certify that....., the undersigned, residing at....., is the owner of the premises known as....., and has leased or rented the..... floor of said premises to....., to be occupied and used as a ....., with the full knowledge and consent that strong and spirituous liquors or wines, ale or beer, are to be sold by said..... upon said premises.

.....

(Owner sign here.)

AGENT'S AFFIDAVIT.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., being duly sworn, deposes and says that he is the authorized agent and representative of....., who is the owner of the premises known as..... and that he signed the foregoing certificate of consent to the sale of strong and spirituous liquors or wines, ale or beer, upon said premises, with the full knowledge and approval and by authority of said.....

.....

Sworn to before me, this.....
day of....., 189....

.....

EXHIBIT No. 4, MAY 21, 1890.

(New Place.)

ALES, BEER AND WINES. APPLICATION FOR LICENSE. CLASS 6.

NEW YORK, ...188..

To the Board of Commissioners of Excise of the City of New York:

The undersigned..... reside at No....., in the city of New York, hereby applies for a license permitting h.... to sell and dispose of ale, beer and wines only, in quantities less than five gallons at a time, at.....in the said city of New York, to be drank on the premises.

The under signed hereby declares that ..he is a person of good moral character; and further declares that..... The name of the building is.....; the bar is located in the..... story. The balance of the building is used as..... The premises have not been licensed heretofore, since..... Applicant was formerly licensed at..... for.....years. The premises are owned by..... residing at..... Applicant pays rent to....., at..... Neither the applicant nor any of h....employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h.... has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any

other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon or for any entertainment of the stage. No waiter girls are employed, and no music is to be employed on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the block is..... The applicant is.....a citizen of the United States, and is.....a resident of the city of New York. The applicant has paid an internal revenue tax of $..... There is no church, school, hospital or asylum on the same block, on either side of the street, nor within 500 feet of the place for which license is applied for. There is not, and will not be, any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description, within said premises so kept by h...., or in any outhouse, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; nor sell, nor suffer to be sold, any strong or spirituous liquors, except ale, beer and wines only, upon the premises licensed; and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant and of every person interested or to be interested in the business, to authorize which the license hereby applied for shall be used..... ...as follows:

....., residing at.....
....., residing at.....
....., residing at.....

(Signed,).....

Applicant.

City and County of New York, *ss.:*

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this.....day of....., 188..

.....

Notary Public.

(Indorsed.)

(New Place.)

ALE, BEER AND WINES. APPLICATION FOR LICENSE. CLASS 6.

No.....
Dated ....., 188....
Name.....
Place.....
.....Precinct.
Old license expires....., 188....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported....., 188....

Bond approved....., 188....
By.....
License issued....., 188....
License No.....
License expires....., 188....
....., *Secretary.*
License fee, $50.

BOND. ALE, BEER AND WINES. CLASS 6.

KNOW ALL MEN BY THESE PRESENTS, That we.....
....., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the.....day of.....
one thousand eight hundred and eighty.....

WHEREAS, The said....., has made application to the Board of Commissioners of Excise of the city of New York, for a license to sell ale, beer and wines only, in quantities less than five gallons at a time, to be drank on the premises at ....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The condition of this obligation is such, that *if*, during the time for which the said license shall be granted, ...he

shall not suffer h.... place of business to be disorderly; nor suffer any gambling, or keep a gambling table of any description, within said premises so kept by h...., or in any out-house, yard or garden belonging thereto; nor suffer said premises to be used for immoral or unlawful purposes; nor sell, nor suffer to be sold, any strong or spirituous liquors, except ale, beer and wines only, upon the premises licensed; and that, if during the time for which the undersigned shall be licensed he shall keep and observe the provisions of the acts herein above mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof; then this obligation to be void, otherwise to remain in full force and virtue.

..... [SEAL.]
..... [SEAL.]
..... [SEAL.]

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this.....day of.....A. D., 188..... before me personally came....., to me known and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....
Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the.....owner of....., and that the aforesaid property is worth the sum of..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars over and above all his debts and liabilties and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 188.. }

.....
Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at ....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of....., and that the aforesaid property is worth the sum of..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of.....188..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

.....

Commissioners.

Dated, NEW YORK,....., 188....

(Indorsed.)

ALE, BEER AND WINES. CLASS 6.

Bond No.....

License No.....

To

The People of the State of New York,

.....

Bond.

.....

Filed by the Board of Commissioners of Excise..... ....., 188....

....., *Clerk.*

EXHIBIT 5.— MAY 21, 1890.

(New Place.)

ALE AND BEER. APPLICATION FOR LICENSE. CLASS 5.

NEW YORK, ..., 188..

To the Board of Commissioners of Excise of the City of New York:

The undersigned..... residing at No....., in the city of New

York, hereby applies for a license permitting h.... to sell and dispose of ale and beer only, in quantities less than five gallons at a time, at ....., in the said city of New York, to be drank on the premises.

The undersigned hereby declares that ..he is a person of good moral character; and further declares that .... The name of the building is.....; the bar is located in the ..... story. The balance of the building is used as ..... The premises have not been licensed heretofore, since ..... Applicant was formerly licensed at ..... for.....years. The premises are owned by..... ..... , residing at..... Applicant pays rent to ..... at ..... Neither the applicant nor any of h.... employes was ever arrested for violation of the Excise Law. Neither the applicant nor any employe of h.... has ever been convicted of a violation of the Excise Law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon or for any entertainment of the stage. No waiter girls are employed, and no music is to be employed on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the block is..... The applicant is.....a citizen of the United States and is ....a resident of the city of New York. The applicant has paid an internal revenue tax of $..... There is no church, school, hospital or asylum on the same block, on either side of the street, nor within 500 feet of the place for which license is applied for. There is not, and will not be, any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description, within said premises so kept by h....; or in any out-house, yard or garden belonging thereto; or permit said premises to be used for immoral or unlawful purposes; nor sell, nor suffer to be sold, any strong or spirituous liquors or wines, except ale and beer only, upon the premises licensed; and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857,

and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant and of every person interested or to be interested in the business, to authorize which the license hereby applied for shall be used.....as follows:

....., residing at.....
....., residing at.....
....., residing at.....

(Signed,) .....
Applicant.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this.....day of.....188..

.....
Notary Public.

(Indorsed.)

(New Place.)

ALE AND BEER. APPLICATION FOR LICENSE, CLASS 5.

No.....
Dated ....., 188....
Name.....
Place.....
..... Precinct.
Old license expires....., 188....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported ....., 188....

Bond approved....., 188....
By .....
License issued....., 188....
License No. .....
License expires....., 188....
....., *Secretary.*
License fee, $200.

BOND. ALE AND BEER. CLASS 5.

KNOW ALL MEN BY THESE PRESENTS, That we, ..., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the.....day of ....., one thousand eight hundred and eighty.

WHEREAS, The said..... has made application to the Board of Commissioners of Excise of the city of New York, for a license to sell ale and beer only, in quantities of less than five gallons at a time, to be drank on the premises, at..... ....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The conditions of this obligation is such that if, during the time for which the said license shall be granted, ..he shall not suffer h.... place of business to be disorderly; nor suffer any gambling, or keep a gambling table of any description, within said premises so kept by h...., or in any out-house, yard or garden belonging thereto; nor suffer said premises to be used for immoral or unlawful purposes; nor sell, nor suffer to be sold, any strong or spirituous liquors or wines, except ale and beer only, upon the premises licensed; and that if during the time for which the undersigned shall be licensed ..he will keep and observe the provisions of the acts hereinabove mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

..... [SEAL.]
..... [SEAL.]
..... [SEAL.]

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this.....day of....., A. D. 188.... before me personally came.....to me

known and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at .....
in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of ....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 188..

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at.....,
in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of ....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 188..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....
.....
....

Commissioners.

Dated NEW YORK....., 188...

(Indorsed.)

ALE AND BEER. CLASS 5.

Bond No.....
License No .....

To
The People of the State of New York,

Bond.

....
....

Filed by the Board of Commissioners of Excise....., 188....

....., *Clerk.*

EXHIBIT 6.—MAY 21, 1890.

(New Place.)

STOREKEEPER. APPLICATION FOR LICENSE.—CLASS 4.

NEW YORK, ..., 188 .

To the Board of Commissioners of Excise of the City of New York:

The undersigned....., residing at No ....., in the city of New York, hereby applies for a license permitting h.... to sell and dispose of strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time at..... ....., in the said city of New York, not to be drank in the house or shop licensed, or in any out-house, yard or garden appertaining thereto or connected therewith.

The undersigned hereby declares that ...he is a person of good moral character; and further declares that..... ..... The name of the building is.....; the store is located in the ..... story. The balance of the building is used as..... :

The premises have not been licensed heretofore, since .....
The former license of this place was ...., who removed to ..... Applicant was formerly licensed at ..... for ..... years.
The premises are owned by ...., residing at ..... Applicant pays rent to ....., at .....
Neither the applicant nor any employe of h.... was ever arrested for violation of the Excise Law. The applicant has never had a license revoked at this or any other place. The applicant is ..... a citizen of the United States, and is ..... a resident of the city of New York. The applicant has paid an internal revenue tax of $..... That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or permit said premises to be used for immoral or unlawful purposes; that he will not sell, nor suffer to be sold, any strong or spirituous liquors, wines, ale or beer, to be drank in the house or shop licensed, or in any out-house, yard or garden appertaining thereto or connected therewith, and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant, and of every person interested or to be interested in the business to authorize which the license hereby applied for shall be used ..... as follows:

....., residing at .....
....., residing at .....
....., residing at .....

(Signed,) .....

Applicant.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this ..... day of ....., 188..

.....
Notary Public.

(Indorsed.)

(New place.)

STOREKEEPER. APPLICATION FOR LICENSE.—CLASS 4.

No.....

Dated....., 188....

Name.....

Place.....

.....Precinct.

Old license expires.....188. ..

Inspected by....., *Inspector.*

Report examined by....., *Chief Inspector.*

Reported....., 188....

Bond approved.....

By.....

License issued.....188....

License No..... Grade.....

License expires.....188....

....., *Secretary.*

Grade..... License fee, $.....

BOND. STOREKEEPER.

KNOW ALL MEN BY THESE PRESENTS, That we .....

....., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of five hundred dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the ..... day of ..... one thousand eight hundred and eighty.

WHEREAS, The said ....., has made application to the Board of Commissioners of Excise of the city of New York for a license to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, not to be drank on the premises, at ....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The condition of this obligation is such, that if, during the term for which the said license shall be granted, .. he shall not suffer h .. place of business to become disorderly; that he shall not sell or suffer to be sold any strong or spirituous liquors, wines, ale or beer to be drank in h .. shop or house, or in any out-house, yard or garden appertaining thereto; that he shall not suffer any such liquor, sold by virtue of such license, to be drank in h .. shop or house, or in any out-house, yard or garden belonging thereto; and that if during the time for which the undersigned shall be licensed he shall keep and observe the provisions of the acts herein above mentioned and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

..... [SEAL.]
..... [SEAL.]
..... [SEAL.]

Signed, sealed and delivered in the presence of }
....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this ..... day of....., A. D., 188.... before me personally came....., to me known and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....
Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the.....owner of....., and that the aforesaid property is worth the sum of.....dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of one thousand dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of.....,188.. }
.....
Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at ....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the.....owner of....., and that the aforesaid property is worth the sum of..... .....dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of one thousand dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this.....day of.....,188..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

.....

Commissioners.

Dated, NEW YORK, ..., 188....

(Indorsed.)

STOREKEEPER. CLASS 4.

Bond No.....

License No.....

To

The People of the State of New York.

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 188....

....., *Clerk.*

STOREKEEPER'S AFFIDAVIT. RENEWAL.

Every applicant for a storekeeper's license (Class 4) is required to make oath to the total amount of his sales of spirituous liquors, wines, ale or beer, in quantities less than five gallons at a time, during the year ending the last day of the month next preceding the date of application.

Use the following form:

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK. } *ss.:*

.....being duly sworn, deposes and says that he is the applicant for a license, Class 4 (storekeeper's) at No.....in the city of New York, and that the total amount of sales of spirituous liquors, wines, ale and beer at that place, in quantities less than five gallons at a time, during the year beginning.....188...., and ending.....188...., was.....

.....

Sworn to before me, this.....
day of....., 188.... }

.....

EXHIBIT No. 7.—MAY 21, 1890.

STOREKEEPER'S AFFIDAVIT.

(New Place.)

Every applicant for a storekeeper's license (Class 4), new place, is required to make oath to the value of the stock of liquors, wines, ale or beer, he intends to carry and the amount at which he estimates his total sale thereof, in quantities of less than five gallons at a time, for the year following the issuing of the license applied for.

Use the following form:

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK. } *ss.:*

....., being duly sworn, deposes and says, that he is the applicant for a license, Class 4 (storekeeper's) at No.....in the city of New York, and that the total value of the stock of spirituous liquors, wines, ale and beer, he intends to carry is $.....and that he estimates

that the amount of sales thereof, in quantities less than five gallons at a time, during the year next ensuing, will not exceed $.....

.....

Sworn to before me this.....
day of....., 188.... }

.....

EXHIBIT 8.—MAY 21, 1890.

(New Place.)

BOAT. APPLICATION FOR LICENSE. CLASS 8.

NEW YORK, ...188..

To the Board of Commissioners of Excise of the City of New York:

The undersigned .....
residing at No..... in the city of New York, hereby applies for a license permitting h..... to sell and dispose of strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, on the boat named.....
.....in the city of New York, to be drank on the premises.

The undersigned hereby declares that ... he is a person of good moral character; and further declares that.....
..... The bar is located on the..... deck; the boat is used as..... The boat has not been licensed heretofore, since.....
Applicant was formerly licensed at .....; for..... .... years. The boat is owned by.....
residing at..... Applicant has the privilege to sell on said boat, under the license applied for from.....
Neither the applicant nor any of h.... employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h... has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The boat was never reputed as disorderly. No part of the boat is used as a concert saloon or for any entertainment of the stage. The applicant is a citizen of the United States, and is a..... resident of the city of New York. The applicant has paid an internal revenue tax of $..... That the premises to which this application refers, shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein; or keep a gambling table of any description, on said boat, or permit said boat to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed he will keep and observe the provisions of chapter

528 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant and of every person interested in the business, to authorize which the license hereby applied for shall be used.....as follows:

....., residing at.....
....., residing at.....
....., residing at.....

(Signed,) .....

Applicant.

CITY AND COUNTY OF NEW YORK, *ss.:*

..... being duly sworn, deposes and says that..he is the individual mentioned in and who executed the foregoing application; that..he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this.....day of....., 188..

.....

Notary Public.

(Indorsed.)

(New Place.)

BOAT. APPLICATION FOR LICENSE. CLASS 8.

No.....
Dated ..... , 188....
Name .....
Place.....
.....Precinct.
Old license expires.....188....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported .....

Bond approved.....
By .....
License issued.....,188....
License No.....
License expires.....,188....
....., *Secretary.*

License fee, $50.

BOND BOAT. CLASS 8.

KNOW ALL MEN BY THESE PRESENTS, That we, ... , of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the ..... day of ..... one thousand eight hundred and eighty.

WHEREAS, The said ....., has made application to the Board of Commissioners of Excise of the city of New York, for a license to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises, on the boat named ....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The conditions of this obligation is such, that if during the time for which the said license shall be granted, he shall not suffer h.... place of business to be disorderly; nor suffer any gambling, or keep a gambling table of any description within said premises so kept by h...., nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed, he shall keep and observe the provisions of the acts hereinabove mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

..... [L. S.]
..... [L. S.]
..... [L. S.]

Signed, sealed and delivered in the presence of }
.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this ..... day of ....., A. D. 188.., before me personally came ....., to me known and known

to me to be the individuals described in, and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of ....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this ..... day of....., 188..

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of ....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this ..... day of....., 188..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

.....

Commissioners.

Dated, New York, ..., 188...

(Indorsed.)

Boat. Class 8.

Bond No.....

License No.....

To

The People of the State of New York.

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 188....

....., *Clerk.*

EXHIBIT 9.— May 21, 1890.

(New Place.)

Restaurant. Application for License. Class 7.

New York, ...18...

To the Board of Commissioners of Excise of the City of New York:

The undersigned....., residing at No....., in the city of New York, hereby applies for a license permitting h.. to sell and dispose of strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, at h.... restaurant..... ....., in the city of New York, to be drank on the premises.

The undersigned hereby declares that ...he is a person of good moral character; and further declares that..... ..... The name of the building is.....; the bar is located in the..... story. The balance of the building is used as.....

The premises have not been licensed heretofore, since.....
Applicant was formerly licensed at.....
for ..... years. The premises are owned by.....
....., residing at.....
Applicant pays rent to ..... at .....
Neither the applicant nor any of h.... employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h .... has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon or for any entertainment of the stage. No waiter girls are employed and no music is to be employed on the premises. There is not now, and will not be erected or maintained upon said premises, a bar for the purpose of serving drinks, and that drinks will be served only at tables with food. Including both sides of the street, taking in the corners, the number of places licensed on the block is .....
The applicant is ..... a citizen of the United States and is ..... a resident of the city of New York. The applicant has paid an internal revenue tax of $..... There is no church, school, hospital or asylum on the same block, on either side of the street, nor within 500 feet of the place for which license is applied for. There is not, and will not be, any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers shall not be suffered to be disorderly; that this application will not suffer any gambling to be carried on therein, or keep a gambling table of any description, within said premises so kept by h...., or in any out-house, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant, and of every person interested or to be interested in the business, to authorize which the license hereby applied for shall be used ..... as follows:

...., residing at.....
...., residing at.....
....., residing at.....

(Signed,) .....

Applicant.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that the same are true.

.....

Subscribed and sworn to before me,
this..... day of ....., 188.. }

.....,
Notary Public.

(Indorsed.)

(New Place.)

RESTAURANT. APPLICATION FOR LICENSE. CLASS 7.

No.....
Dated....., 18....
Name.....
Place.....
.....Precinct.
Old license expires....., 18....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported....., 18....

Bond approved.....
By.....
License issued....., 18....
License No.....
License expires....., 189....
....., *Secretary.*
License fee, $100.

BOND. RESTAURANT. CLASS 7.

KNOW ALL MEN BY THESE PRESENTS, That we.....
....., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents

Sealed with our seals, and dated the.....day of.....
one thousand eight hundred and.....

WHEREAS, The said....., has made application to the Board of Commissioners of Excise of the city of New York, for a license to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises at....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The condition of this obligation is such, that if, during the time for which the said license shall be granted, ... he shall not suffer h.... place of business to be disorderly; nor suffer any gambling or keep a gambling table of any description within said premises so kept by h...., or in any out-house, yard or garden belonging thereto; nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed, he shall keep and observe the provisions of the acts herein above mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

..... [SEAL.]
..... [SEAL.]
..... [SEAL.]

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this ..... day of....., A. D. 188...., before me personally came ....., to me known and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....
Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at ..... in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the..... owner of....., and that the aforesaid property

is worth the sum of.....dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 189..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

.....

Commissioners.

Dated, New York,....., 189....

Restaurant. Class 7.

Bond No.....

License No .....

To

The People of the State of New York.

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 18....

....., *Clerk.*

EXHIBIT 10 — May 21, 1890.

(New Place.)

Hotel. Application for License. Class....

New York, ... 188..

To the Board of Commissioners of Excise of the City of New York:

The undersigned propose to keep an inn, tavern or hotel at..... in the city of New York, and hereby represents and declares that he

is a person of good moral character; that he has sufficient ability to keep an inn, tavern or hotel, and the necessary accommodations to entertain travelers, and at least three spare beds, and necessary bedding for such use, and that an inn, tavern or hotel is required for the actual accommodation of travelers at the above-mentioned place. The undersigned, as such inn, tavern or hotel keeper, in compliance with and pursuant to the laws of the State of New York, regulating the sale of intoxicating liquors, hereby applies for a license to sell and dispose of strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises before mentioned.

The undersigned hereby further declares that .....the bar is located in the.....story. There are on the premises....bar, ...restaurant or dining-room and café. There are in, or connected with, the hotel.....sleeping-rooms. The premises have not been licensed heretofore, since..... Applicant was formerly licensed at..... for.....years. The premises are owned by....., residing at..... Applicant pays rent to... ....., at..... ... Neither the applicant nor any of h..... employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h....has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon or for any entertainment of the stage. No waiter girls are employed, and no music is to be employed on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the block is..... The applicant is.....a citizen of the United States, and is.....a .....resident of the city of New York. The applicant has paid an internal revenue tax of $..... There is not, and will not be any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein; or keep a gambling table of any description within said premises so kept by h....., or in any out-house, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature

supplementary thereto and amendatory thereof. The name of the applicant and of every person interested or to be interested in the business to authorize which the license hereby applied for shall be used.....as follows:

....., residing at.....
....., residing at.....
....., residing at.....
(Signed,).....

Applicant.

CITY AND COUNTY OF NEW YORK, *ss.:*

.....being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me this.....day of....., 188..

.....

Notary Public.

(Indorsed.)

(New place.)

HOTEL. APPLICATION FOR LICENSE. CLASS ....

No.....
Dated....., 188....
Name.....
Place.....
.....Precinct.
Old license expires....., 188....

Inspected by.....*Inspector.*
Report examined by.....*Chief Inspector.*
Reported....., 188....

Bond approved.....188....
By .....
License issued....., 188...
License expires....., 188....
....., *Secretary.*
License fee, $....

BOND. HOTEL.

KNOW ALL MEN BY THESE PRESENTS, That we..... in the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the.....day of..... one thousand eight hundred and eighty.

WHEREAS, The said.....has made application to the Board of Commissioners of Excise of the city of New York for a license as inn, tavern or hotel keeper, to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises..... and known as.....in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The condition of this obligation is such, that if, during the time that he shall keep the above-named inn, tavern or hotel, he shall not suffer said premises to be disorderly, nor suffer any gambling, nor keep a gambling table of any description within the said inn, tavern or hotel, so kept by h.... or in any out-house, yard or garden belonging thereto, nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed he shall keep and observe the provisions of the acts hereinabove mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void; otherwise to remain in full force and virtue.

..... [L. S.]
..... [L. S.]
..... [L. S.]

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this.....day of....., A. D. 188.., before me personally came....., to me known and known to me to be the individuals described in and who

executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....

Notary Public.

City and County of New York, ss.:

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the.....owner of....., and that the aforesaid property is worth the sum of.....dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me this.....day of.....188..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

.....

Commissioners.

Dated, New York, ..., 188....

(Indorsed.)

Hotel. Class ....

Bond No.....

License No.....

To

The People of the State of New York,

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 188...

....., *Clerk.*

(Renewal.)

HOTEL. APPLICATION FOR LICENSE. CLASS ..

NEW YORK, ...188..

To the Board of Commissioners of Excise of the City of New York:

The undersigned ....., proposes to keep an inn, tavern or hotel at ..... at the city of New York, and hereby represents and declares that he is a person of good moral character, that ..he has sufficient ability to keep an inn, tavern or hotel and the necessary accommodations to entertain travelers, and at least three spare beds and necessary bedding for such use, and that an inn, tavern or hotel is required for the actual accommodation of travelers at the above-mentioned place. The undersigned ....., as such inn, tavern or hotel keeper, in compliance with and pursuant to the laws of the State of New York regulating the sale of intoxicating liquors, hereby applies for a license to sell and dispose of strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, to be drank on the premises before mentioned.

The undersigned hereby further declares that ..... The bar is located in the ..... story. There are on the premises ..... bar, ... restaurant or dining ..... room, ... café.

There are in or connected with the hotel ..... sleeping-rooms.

EXHIBIT 2. — MAY 21, 1890.

(Renewal.)

ALE AND BEER. APPLICATION FOR LICENSE. CLASS 5.

NEW YORK, ...18...

To the Board of Commissioners of Excise of the City of New York:

The undersigned ..... residing at No. ....., in the city of New York, hereby applies for a license permitting h... to sell and dispose of ale and beer only, in quantities less than five gallons at a time, at ....., in the said city of New York, to be drank on the premises.

The undersigned hereby declares that ...he is a person of good moral character; and further declares that .... The name of the building is .....; the bar is located in the ..... story. The balance of the building is used as .....

The premises have been licensed for ..... years. Applicant has been licensed at this place ..... years. The present license for this place is of Class .... The former licensee at this place was ....., who removed to .....
The premises are owned by .....
residing at ..... Applicant pays rent to....., at .....
Applicant was formerly licensed at .....
for ..... years. Neither the applicant nor any of h... employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h....has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon, or for any entertainment of the stage. No waiter girls are employed, and no music is had on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the block is ..... The applicant is a citizen of the United States and is ..... a resident of the city of New York. The applicant has paid an internal revenue tax of $..... There is not, and will not be, any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description within said premises so kept by h..., or in any out-house, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; nor sell, nor suffer to be sold, any strong or spirituous liquors or wines, except ale and beer only, upon the premises licensed; and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant and of every person interested or to be interested in the business to authorize which the license hereby applied for shall be used..... as follows:

....., residing at.....
....., residing at.....
....., residing at.....

(Signed,) .....

Applicant.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this.....day of....., 18...

.....

Notary Public.

(Indorsed.)

(Renewal.)

ALE AND BEER. APPLICATION FOR LICENSE. CLASS 5.

No.....
Dated ....., 18.....
Name.....
Place.....
.....Precinct.
Old license expires....., 18.....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported ....., 18.....

Bond approved..... ....., 18.....
By .....
License issued....., 18.....
License No.....
License expires....., 18.....
....., *Secretary.*
License fee, $50.

BOND. ALE AND BEER. CLASS 5.

KNOW ALL MEN BY THESE PRESENTS, That we.....
....., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made

we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the .....day of..... one thousand eight hundred and eighty....

WHEREAS, The said....., has made application to the Board of Commissioners of Excise of the city of New York, for a license to sell ale and beer only, in quantities less than five gallons at a time, to be drank on the premises, at..... ....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The condition of this obligation is such, that if during the time for which the said license shall be granted, ...he shall not suffer h....place of business to be disorderly; nor suffer any gambling, or keep a gambling table of any description within said premises so kept by h...., or in any out-house, yard or garden belonging thereto; nor suffer said premises to be used for immoral or unlawful purposes; nor sell, or suffer to be sold any strong or spirituous liquors or wines, except ale and beer only upon the premises licensed; and that if during the time for which the undersigned shall be licensed ....he will keep and observe the provisions of the acts herein above mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

..... [L. S.]
..... [L. S.]
..... [L. S.]

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this.....day of ....., A. D. 188...., before me personally came ...., to me known and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, ss.:

....., residing at..... in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of .....and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this ..... day of....., 188..

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, ss.:

....., residing at..... in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this.....day of....., 188..

.....

Notary Public.

The undersigned, the Board of Commissioners of excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

.....

Commissioners.

Dated NEW YORK,....., 188....

(Indorsed.)

Ale and Beer. Class 5.

Bond No.....
License No.....

To

The People of the State of New York,

.....

Bond

.....

Filed by the Board of Commissioners of Excise....., 188....

....., *Clerk.*

EXHIBIT 12.—May 21, 1890.— George H. Thornton.

(Renewal.)

Saloon. Application for License. Class 3.

New York, ...189..

To the Board of Commissioners of Excise of the City of New York:

The undersigned....., residing at No ....., in the city of New York, hereby applies for a license permitting h....to sell and dispose of strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, at .....in the city of New York to be drunk on the premises.

The undersigned hereby declares that ...he is a person of good moral character; and further declares that..... The name of the building is.....; the bar is located in the ..... story. The balance of the building is used as ..... The premises have been licensed for ..... years. Applicant has been licensed at this place.....years. The former licensee at this place was ..... who removed to ..... The premises are owned by ..... residing at..... Applicant pays rent to....., at..... Applicant was formerly licensed at.....

for.....years. Neither the applicant nor any employe of h.... has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon or for any entertainment of the stage. No waiter girls are employed, and no music is had or to be had on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the block is ..... The applicant is.....a citizen of the United States, and is.....a resident of the city New York. The applicant has paid an internal revenue tax of $..... There is not, and will not be, many communication between the licensed premises and any grocery or provision store. That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description, within said premises so kept by h...., or in any out-house, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed, he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary hereto and amendatory thereof. The name of the applicant, and of every person interested, or to be interested in the business, to authorize which the license hereby applied for shall be used.....as follows:

....., residing at.....
....., residing at.....
....., residing at.....

(Signed,) .....

Applicant.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this.....day of.....189..

.....

Notary Public.

(Indorsed.)

(Renewal.)

SALOON. APPLICATION FOR LICENSE. CLASS 3.

No.....
Dated....., 189....
Name .....
Place.....
.....Precinct
Old license expires.....189....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported....., 189....

Bond approved.....
By .....
License issued....., 189....
License No.....
License expires....., 189....
.....*Secretary.*
License fee, $200.

BOND. SALOON. CLASS 3.

KNOW ALL MEN BY THESE PRESENTS, That we.....
.....of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the.....day of....., one thousand eight hundred and ninety....

WHEREAS, The said .....has made application to the Board of Commissioners of Excise of the city of New York, for a license to sell ale, beer and wines only, in quantities less than five gallons at a time, to be drank on the premises at ....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The conditions of this obligation is such, that if during the time for which the said license shall be granted, ...be

shall not suffer h.... place of business to be disorderly; nor suffer any gambling, or keep a gambling table of any description within said premises so kept by h...., or in any out-house, yard or garden belonging thereto; nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed, he shall keep and observe the provisions of the acts herein above mentioned and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

..... [L. S.]
..... [L. S.]
..... [L. S.]

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this.....day of.....A. D. 189...., before me personally came ....., to me known and known to me to be the individuals described and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at..... in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of....., and the aforesaid property is worth the sum of..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 189.. }

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, ss.:

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of....., and that the aforesaid property is worth the sum of..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 189..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

.....

Commissioners.

Dated, NEW YORK, ..., 189....

(Indorsed.)

SALOON. CLASS 2.

Bond No.....

License No.....

To

The People of the State of New York.

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 189....

....., *Clerk.*

EXHIBIT 13.— MAY 21, 1890.

(Renewal.)

STOREKEEPER. APPLICATION FOR LICENSE. CLASS 4.

NEW YORK, ..., 189....

To the Board of Commissioners of Excise of the City of New York:

The undersigned....., residing at No. ....., in the city of New York, hereby applies for a license permitting h.... to sell and dispose of strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time at..... in the said city of New York, not to be drank in the house or shop licensed or in any out-house, yard or garden appertaining thereto or connected therewith.

The undersigned hereby declares that ....he is a person of good moral character, and further declares that..... ..... The name of the building is.....; the store is located in the..... story. The balance of the building is used as..... The premises have been licensed for..... years; applicant has been licensed at this place..... years. The former licensee at this place was....., who removed to ..... The premises are owned by....., residing at..... Applicant pays rent to....., at..... Applicant was formerly licensed at..... for..... years. Neither the applicant nor any of h.... employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h.... has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The applicant is..... a citizen of the United States and is..... a resident of the city of New York. The applicant has paid an internal revenue tax of $..... That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein or permit said premises to be used for immoral or unlawful purposes; that ....he will not sell nor suffer to be sold any strong or spirituous liquors, wines, ale or beer to be drank in the house or shop licensed or in any out-house, yard or garden appertaining thereto or connected therewith; and that during the time for which he shall be licensed, he will keep and observe the

provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant and of every person interested or to be interested in the business, to authorize which the license hereby applied for shall be used..... as follows:

....., residing at.....
....., residing at.....
....., residing at.....

(Signed,) ....

Applicant.

(Renewal.)

STOREKEEPER. APPLICATION FOR LICENSE. CLASS 4.

No.....
Dated ....., 189....
Name.....
Place..... ....
....Precinct.
Old license expires....., 189....

Inspected by..... ....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported ....., 189....

Bond approved.... .....
By.....
License issued ....., 189....
License No.....
License expires....., 189....
....., *Secretary,*
License fee, $...

CITY AND COUNTY OF NEW YORK, *ss.:*

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this..... day of....., 189..

....

Notary Public.

BOND. STOREKEEPER.

KNOW ALL MEN BY THESE PRESENTS, That we.....
.....of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of five hundred dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the.....day of.....
one thousand eight hundred and ninety....

WHEREAS, The said....., has made application to the Board of Commissioners of Excise of the city of New York for a license to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, not to be drank on the premises....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, the conditions of this obligation is such, that if during the term for which the said license shall be granted, ... he shall not suffer h.... place of business to become disorderly; that ....he shall not sell or suffer to be sold any strong or spirituous liquors, wines, ale or beer to be drank in h ... shop or house, or in any out-house, yard or garden appertaining thereto; that ....he shall not suffer any such liquor, sold by virtue of such license, to be drank in h.... shop or house, or in any out-house, yard or garden belonging thereto; and that if, during the time for which the undersigned shall be licensed ...he shall keep and observe the provisions of the acts hereinabove mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

.....
.....

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, ss.:

On this..... day of ....., A. D. 189..., before me personally came ....., to me

known and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....

Notary Public.

City and County of New York, *ss.:*

....., residing at ....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the ..... owner of ....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of one thousand dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this ..... day of....., 189..

.....

Notary Public.

City and County of New York, *ss.:*

....., residing at ....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the ..... owner of ....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon; Deponent further says he is worth the sum of one thousand dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this ..... day of....., 189..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....
.....
.....

Commissioners.

Dated, NEW YORK, ..., 189....

(Indorsed.)

STOREKEEPER. CLASS 4.

Bond No.....
License No.....

To

The People of the State of New York.

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 189....

....., *Clerk.*

EXHIBIT 14.

(Renewal.)

RESTAURANT. APPLICATION FOR LICENSE. CLASS 7.

NEW YORK, ...188..

To the Board of Commissioners of Excise of the City of New York:

The undersigned, ..., residing at No. ....., in the city of New York, hereby applies for a license permitting h..... to sell and dispose of strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at h..... restaurant, ..., in the city of New York, to be drank on the premises.

The undersigned hereby declares that ....he is a person of good moral character; and further declares that .... The name of the building is .....; the restaurant is located in the ..... story. The balance of the building is used as .... The premises have been licensed for ..... years; applicant has been licensed at this place ..... years. The former licensee at this place was ...., who removed

to ..... Applicant was formerly licensed at ..... for ..... years. The premises are owned by ....., residing at ..... Applicant pays rent to ....., at ..... Neither the applicant nor any of h..... employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h..... has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon, or for any entertainment of the stage. No waiter girls are employed and no music is to be employed on the premises. There is not now and will not be erected or maintained upon said premises a bar for the purpose of serving drinks, and that drinks will be served only at tables with food. Including both sides of the street, taking in the corners, the number of places licensed on the block is ..... The applicant is ....., a citizen of the United States, and is a resident of the city of New York. The applicant has paid an internal revenue tax of $..... There is no church, school, hospital or asylum on the same block, on either side of the street, nor within 500 feet of the place for which license is applied for. There is not, and will not be, any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description, within said premises so kept by h.....; or in any out-house, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

The name of the applicant and of every person interested or to be interested in the business to authorize which the license hereby applied for shall be used..... as follows:

....., residing at.....
....., residing at .....
....., residing at.....

(Signed,).....

Applicant.

(Renewal.)

RESTAURANT. APPLICATION FOR LICENSE. CLASS 7.

No.....
Dated ....., 188....
Name.....
Place .....
.....Precinct.
Old license expires..... ,188....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported ....., 188....

Bond approved.....
By.....
License issued....., 188....
License No.....
License expires....., 188....
....., *Secretary.*
License fee, $100.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that the same are true.

.....

Subscribed and sworn to before me, this.....day of....., 188.. }

.....
Notary Public.

BOND. RESTAURANT, CLASS 7.

KNOW ALL MEN BY THESE PRESENTS, That we.....
....., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the.....day of.....,
one thousand eight hundred and eighty.....

WHEREAS, The said ....., has made application to the Board of Commissioner of Excise of the city of New York, for a license to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises at....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, the condition of this obligation is such, that if during the time for which the said license shall be granted, ...he shall not suffer h.... place of business to be disorderly; nor suffer any gambling or keep a gambling table of any description within said premises so kept by h...., or in any out-house, yard or garden belonging thereto; nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed, he shall keep and observe the provisions of the acts herein above mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

.....

.....

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this..... day of..... ....., A. D. 188...., before me personally came..... ....., to me know and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at..... in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of..... and that the aforesaid property is worth the sum of.....

dollars over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars over and above all his debts and liabilities, and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me,
this.....day of....., 188..

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at.....
in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of....., and that the aforesaid property is worth the sum of..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me,
this.....day of....., 188..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

Commissioners.

Dated, NEW YORK, ..., 188....

RESTAURANT. CLASS 7.

Bond No.....
License No.....

To

The People of the State of New York,

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 188....

....., *Clerk.*

EXHIBIT 15.

(Renewal.)

ALE, BEER AND WINES. APPLICATION FOR LICENSE. CLASS 6.

NEW YORK,.....189..

To the Board of Commissioners of Excise of the City of New York:

The undersigned.....
residing at No.....in the city of New York, hereby applies for a license permitting h.... to sell and dispose of ale, beer and wines only in quantities less than five gallons at a time at.....,
in the city of New York, to be drank on the premises.

The undersigned hereby declares that ....he is a person of good moral character; and further declares that.....
..... The name of the building is..... ; the bar is located in the..... story. The balance of the building is used as..... The premises have been licensed for.....years. Applicant has been licensed at this place.....years. The present license for this place is of Class..... The former licensee at this place was..... ..... Who removed to..... The premises are owned by..... , residing at ..... Applicant pays rent to....., at.....
Applicant was formerly licensed at.....
for.....years. Neither the applicant nor any of h.... employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h.... has been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon or for any entertainment of the stage. No waiter girls are employed and no music is had or to be had on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the block is..... The applicant is.....a citizen of the United States and is.....a resident of the city of New York. The applicant has paid an internal tax of $..... There is not, and will not be, any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers

shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein; or keep a gambling table of any description within said premises so kept by h....; or in any outhouse, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; nor sell, nor suffer to be sold, any strong or spirituous liquors, except ale, beer and wines only, upon the premises licensed, and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant and of every person interested or to be interested in the business, to authorize which the license hereby applied for shall be used.....as follows:

....., residing at.....
....., residing at.....
....., residing at.....
(Signed,).....
Applicant.

(Renewal.)

ALE, BEER AND WINES. APPLICATION FOR LICENSE.

CLASS 6.

No.....
Dated....., 189....
Name .....
Place.....
.....Precinct.
Old license expires....., 189....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported....., 189....

Bond approved.....
By .....
License issued ....., 189....
License No.....
License expires....., 189....
....., *Secretary.*
License fee, $50.

D COUNTY OF NEW YORK, ss.:

....., being duly sworn, deposes
's that he is the individual mentioned in and who executed the
ng application; that he knows the contents thereof, and that
statements therein contained are true.

.....

bed and sworn to before me,
.....day ....., 189..

.....

Notary Public.

BOND. ALE, BEER AND WINES. CLASS 6.

ALL MEN BY THESE PRESENTS, That we.....
..... of the city, county and State of
rk, are held and firmly bound unto the People of the State
York, in the penal sum of two hundred and fifty dollars, to
to the said people; for which payment, well and truly to be
e bind ourselves, our heir and each of our heirs, executors and
trators, jointly and severally, firmly by these presents.
d with our seals and dated the..... day of.....,
usand eight hundred and ninety.

EAS, The said..... has made
ic[illegible]n to the Board of Commissioners of Excise of the city of
rk, for a license to sell ale, beer and wines only in quantities
n five gallons at a time, to be drank on the premises at
....., in the said city
w York, according to the provisions of chapter 628 of the Laws
57, entitled "An act to suppress intemperance and to regulate
ale of intoxicating liquors," passed April 16, 1857, and the acts
e Legislature supplementary thereto and amendatory thereof.

w, therefore, The conditions of this obligation is such, that if
g the time for which the said license shall be granted.... he
not suffer h.... place of business to be disorderly; nor suffer
gambling, or keep a gambling table of any description within
premises so kept by h...., or in any outhouse, yard or garden
ging thereto; nor suffer said premises to be used for immoral or
wful purposes; nor sell, nor suffer to be sold, any strong or
uous liquors, except ale, beer and wines only, upon the premises
sed; and that if during the time for which the undersigned shall
censed he shall keep and observe the provisions of the acts here-

further says he is worth the sum of five hundred dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this..... day of....., 189 .

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

Commissioners.

Dated, New York,....., 189....

(Indorsed.)

Ale, Beer and Wines. Class 6.

Bond No.....

License No.....

To

The People of the State of New York.

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 189....

....., *Clerk.*

EXHIBIT 16.

(Renewal.)

Hotel. Application for License. Class ....

New York, ...189..

To the Board of Commissioners of Excise of the City of New York:

The undersigned proposes to keep an inn, tavern or hotel at ....., in the city of New York, and hereby represents and declares that he is a person of good moral character, that he has sufficient ability to keep an inn, tavern or hotel, and the necessary accommodations to entertain

travelers, and at least three spare beds, and necessary bedding for such use, and that an inn, tavern or hotel is required for the actual accommodation of travelers at the above mentioned place. The undersigned, as such inn, tavern or hotel keeper, in compliance with and pursuant to the Laws of the State of New York regulating the sale of intoxicating liquors, hereby applies for a license to sell and dispose of strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises before mentioned.

The undersigned hereby further declares that: The bar is located in the ..... story. There are on the premises ..... bar, ... restaurant or dining-room ..... café. There are in, or connected with the hotel ..... sleeping rooms. The premises have been licensed for ..... years. Applicant has been licensed at this place ..... years, ... The former licensee at this place was ....., who removed to ..... The premises are owned by ....., residing at ..... Applicant pays rent to ..... at ..... Applicant was formerly licensed at ..... for ..... years. Neither the applicant, nor any of h..... employes, was ever arrested for violation of the excise law. Neither the applicant, nor any employe of h....., has ever been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The premises were never reputed as disorderly. No part of the building is used as a skating rink, concert saloon, or for any entertainment of the stage. No waiter girls are employed, and no music is had or to be had on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the block is ..... The applicant is ....., a citizen of the United States, and is a resident of the city of New York. The applicant has paid an internal revenue tax of $..... There is not, and will not be, any communication between the licensed premises and any grocery or provision store. That the premises to which this application refers shall not be suffered to become disorderly. That this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description within said premises so kept by h....., or in any outhouse, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed, he will keep and observe the provisions of chapter

628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant and of every person interested or to be interested in the business, to authorize which the license hereby applied for shall be used ..... as follows:

....., residing at .....
....., residing at .....
....., residing at .....
(Signed,) .....
Applicant.

(Renewal.)

HOTEL. APPLICATION FOR LICENSE. CLASS ....

No.....
Dated....., 189....
Name.....
Place.....
.....Precinct.
Old license expires....., 189....

Inspected by....., *Inspector.*
Report examined by ....., *Chief Inspector.*
Reported....., 189....

Bond approved .....
By.....
License issued....., 189....
License No.....
License expires....., 189....
....., *Secretary.*
License fee, $.....

CITY AND COUNTY OF NEW YORK, *ss.:*

....., being duly sworn, deposes and says that ....he is the individual mentioned in and who executed the foregoing application; that ....he knows the contents thereof, and that all the statements therein contained are true.

.....

Subscribed and sworn to before me, this ..... day of .....189..

.....
Notary Public.

BOND. HOTEL.

KNOW ALL MEN BY THESE PRESENTS, That we ...., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the .....day of....., one thousand eight hundred and ninety.

WHEREAS, The said ...., has made application to the Board of Commissioners of Excise of the city of New York for a license as inn, tavern or hotel keeper, to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises..... and known as....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, the conditions of this obligation is such, that if during the time he shall keep the above-named inn, tavern or hotel, he shall not suffer said premises to be disorderly, nor suffer any gambling, nor keep a gambling table of any description within the said inn, tavern or hotel, as kept by h...., or in any outhouse, yard or garden belonging thereto, nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed he shall keep and observe the provisions of the acts hereinabove mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof; then this obligation to be void, otherwise to remain in full force and virtue.

.....

.....

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this ..... day of ....., A. D. 189....., before me personally came ....., to me known and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at ....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the ..... owner of ....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this.....day of ....., 189..

.....,

Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at ....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the ..... owner of ....., and that the aforesaid property is worth the sum of ..... dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this.....day of ....., 189..

.....,

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

.....

.....

Commissioners.

Dated, NEW YORK, ..., 189....

(Indorsed.)

HOTEL. CLASS ....

Bond No. .....

License No. .....

To

The People of the State of New York,

.....

BOND.

.....

Filed by the Board of Commissioners of Excise....., 189....

....., *Clerk.*

EXHIBIT 17.

(Renewal.)

BOAT. APPLICATION FOR LICENSE. CLASS 8.

NEW YORK, ...188....

To the Board of Commissioners of Excise of the City of New York:

The undersigned..... residing at No....., in the city of New York, hereby applies for a license permitting h.... to sell and dispose of strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, on the boat named .....in the city of New York, to be drank on the premises.

The undersigned hereby declare that ....he is a person of good moral character; and further declares that: The bar is located on the .....deck. The boat is used as..... The boat has been licensed for..... years; applicant has been licensed at this place.....years. The former licensee at this place was..... Who removed to..... The boat is owned by.....residing at..... Applicant has the privilege to sell on said boat, under the license applied for, from..... Applicant was formerly licensed at.....for.....years. Neither the applicant nor any of h.... employes was ever arrested for violation of the excise law. Neither the applicant nor any employe of h.... has been convicted of a violation of the excise law. The applicant has never had a license revoked at this or any other place. The boat was never reputed as disorderly. No part of the boat

is used as a concert saloon or for any entertainment of the stage. The applicant is.....a citizen of the United States and is .....a resident of the city of New York. The applicant has paid an internal revenue tax of $..... That the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description on said boat, or permit said boat to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof. The name of the applicant of every person interested or to be interested in the business to authorize which the license hereby applied for shall be used.....as follows:

....., residing at.....
....., residing at.....
....., residing at.....
(Signed,).....

Applicant.

(Renewal.)

BOAT. APPLICATION FOR LICENSE. CLASS 8.

No.....
Dated....., 188....
Name .....
Place.....
.....Precinct.
Old license expires....., 188....

Inspected by....., *Inspector.*
Report examined by....., *Chief Inspector.*
Reported ...., 188....

Bond approved.....
By ....
License issued..... ....., 188....
License No.....
License expires....., 188....
....., *Secretary.*

License fee, $50.

CITY AND COUNTY OF NEW YORK, ss

....., being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application, that he knows the contents thereof, and that all the statements therein are true.

....

Subscribed and sworn to before me, this.....day of....., 188..

.....

Notary Public.

BOND. BOAT. CLASS 8.

KNOW ALL MEN BY THESE PRESENTS, That we....., of the city, county and State of New York, are held and firmly bound unto the People of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated the.....day of....., one thousand eight hundred and eighty.

WHEREAS, The said.....has made application to the Board of Commissioners of Excise of the city of New York, for a license to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises, on the boat named....., in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The condition of this obligation is such, that if, during the time for which the said license shall be granted, ...he shall not suffer h.... place of business to be disorderly; nor suffer any gambling or keep a gambling table of any description within said premises so kept by h...., nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed, he shall keep and observe the provisions of the acts hereinabove mentioned, and the acts of the

Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

..... [SEAL.]
..... [SEAL.]
..... [SEAL.]

Signed, sealed and delivered in the presence of }

.....

CITY AND COUNTY OF NEW YORK, *ss.:*

On this .....day of....., A. D. 188...., before me personally came ....., to me known and known to me to be individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

.....
Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the.....owner of....., and that the aforesaid property is worth the sum of..... .....dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this.....day of....., 188.. }

.....
Notary Public.

CITY AND COUNTY OF NEW YORK, *ss.:*

....., residing at....., in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the.....owner of....., and that the aforesaid property is worth the sum of. .....dollars, over and above all judgments, mortgages, liens or incumbrances thereon.

Deponent further says he is worth the sum of five hundred dollars over and above all his debts and liabilities and property exempt by law from sale on execution.

.....

Subscribed and sworn to before me, this.....day of....., 188..

.....

Notary Public.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond

.....

.....

Commissioners.

Dated, NEW YORK, ..., 18....

(Indorsed.)

BOAT. CLASS 8.

Bond No.....
License No.....

To
The People of the State of New York.

....

BOND.

.....

Filed by the Board of Commissioners of Excise....., 188....

....., *Clerk.*

BOND. SALOON, CLASS 3.

KNOW ALL MEN BY THESE PRESENTS, That we, Henry E. Meagher, 89 East Fourth street; Jacob Deubert, 98 First street; and James Walsh, 65 Bleecker street, of the city, county and State of New York, are held and firmly bound unto the people of the State of New York, in the penal sum of two hundred and fifty dollars, to be paid to the said people, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the eighth day of May, one thousand eight hundred and ninety.

WHEREAS, The said Henry E. Meagher, has made application to the Board of Commissioners of Excise of the city of New York for a license to sell strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises, No. 325 Bowery, in the said city of New York, according to the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto and amendatory thereof.

Now, therefore, The condition of the obligation is such, that if during the time for which the said license shall be granted, he shall not suffer his place of business to be disorderly, nor suffer any gambling, or keep a gambling table of any description, within said premises so kept by him, or in any outhouse, yard or garden belonging thereto; nor suffer said premises to be used for immoral or unlawful purposes; and that if during the time for which the undersigned shall be licensed, he shall keep and observe the provisions of the acts hereinabove mentioned, and the acts of the Legislature supplementary thereto and amendatory thereof, then this obligation to be void, otherwise to remain in full force and virtue.

HENRY E. MEAGHER.
JACOB DEUBERT.
JAMES WALSH.

Signed, sealed and delivered in the presence of }
NATHAN KLEIN.

CITY AND COUNTY OF NEW YORK, *ss.:*

On this 8th day of May, A. D., 1890, before me personally came Henry E. Meagher, Jacob Deubert, James Walsh, to me known and known to me to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

NATHAN KLEIN,
Commissioner of Deeds.

CITY AND COUNTY OF NEW YORK, *ss.:*

Jacob Deubert, residing at 98 First street, in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of household goods at 98 First street, and that the aforesaid property is worth the sum of one thousand dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says that he is worth the

sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

JACOB DEUBERT.

Subscribed and sworn to before me, this 8th day of May, 1890.

NATHAN KLEIN,
Commissioner of Deeds.

CITY AND COUNTY OF NEW YORK, *ss.:*

James Walsh, residing at 65 Bleecker street, in said city, being duly sworn, deposes and says that he is one of the sureties named in the foregoing bond; that he is the owner of household goods at 65 Bleecker street, and that the aforesaid property is worth the sum of one thousand dollars, over and above all judgments, mortgages, liens or incumbrances thereon. Deponent further says that he is worth the sum of five hundred dollars, over and above all his debts and liabilities and property exempt by law from sale on execution.

JAMES WALSH.

Subscribed and sworn to before me, this 8th day of May, 1890.

NATHAN KLEIN,
Commisioner of Deeds.

The undersigned, the Board of Commissioners of Excise of the city of New York, hereby approve the sureties to the foregoing bond.

E. T. FITZPATRICK,
JOSEPH KOCH,
Commissioners.

Dated, NEW YORK, May 16, 1890.

(Indorsed.)

SALOON. CLASS 3.

Bond No.....
License No.....

Henry E. Meagher, 325 Bowery,
To
The People of the State of New York.

.....

Bond.

.....

Filed by the Board of Commissioners of Excise....., 189....

....., *Clerk.*

(Renewal.)

SALOON. APPLICATION FOR LICENSE. CLASS 3.

NEW YORK, *May* 8, 1890.

To the Board of Commissioners of Excise of the city of New York:

The undersigned, Henry E. Meagher, residing at No. 89 East Fourth street, in the city of New York, hereby applies for a license permitting him to sell and dispose of strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, at No. 325 Bowery in the city of New York, to be drank on the premises. The undersigned hereby declares that he is a person of good moral character; and further declares that the name of the building is, none; the bar is located in the first story; the balance of the building is used as lodge rooms; the premises have been licensed for thirty years; applicant has been licensed at this place sixteen years; the former licensee at this place was B. French who has retired, the premises are owned by Robert B. Roossvelt, office 120 Broadway; applicant pays rent to Kobbe, agent, at 325 Bowery; applicant was formerly licensed at.....for.....years; the applicant employes was arrested for violation of the Excise Law; discharged neither the applicant or any employe of his has ever been convicted of a violation of the excise law; the applicant has never had a license revoked at this or any other place; the premises were never reputed as disorderly; no part of the building is used as a skating rink, concert saloon, or for any entertainment of the stage; no waiter girls are employed, and no music is had or to be had on the premises. Including both sides of the street, taking in the corners, the number of places licensed on the street is three. The applicant is a citizen of the United States, and is a resident of the city of New York. The applicant has paid an internal revenue tax of twenty-five dollars. There is not and will not be any communication between the licensed premises and any grocery or provision store; that the premises to which this application refers shall not be suffered to become disorderly; that this applicant will not suffer any gambling to be carried on therein, or keep a gambling table of any description, within said premises so kept by him; or in any outhouse, yard or garden belonging thereto, or permit said premises to be used for immoral or unlawful purposes; and that during the time for which he shall be licensed, he will keep and observe the provisions of chapter 628 of the Laws of 1857, entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April 16, 1857, and the acts of the Legislature supplementary thereto

and amendatory thereof. The name of the applicant and of every person interested or to be interested in the business, to authorize which the license hereby applied for shall be used is, as follows:
Henry E. Meagher, residing at eighty-nine East Fourth street.

(Signed,) HENRY E. MEAGHER,
Applicant.

CITY AND COUNTY OF NEW YORK, *ss.:*

Henry E. Meagher, being duly sworn, deposes and says that he is the individual mentioned in and who executed the foregoing application; that he knows the contents thereof, and that all the statements therein contained are true.

HENRY E. MEAGHER.

Subscribed and sworn to before me, this ..... day of ....., 189..

NATHAN KLEIN,
Commissioner of Deeds.

(Indorsed.)

SALOON. APPLICATION FOR LICENSE. CLASS 3.

No. 439.
Dated May 8, 1890.
Name, Henry E. Meagher.
Place, 325 Bowery.
Fourteenth precinct.
Old license expires May 17, 1890.

Inspected by Samuel Rauch, inspector.
Report examined by T. F. Duncan, chief inspector.
Reported May 12, 1890.

Bond approved May 16, 1890.
2. 3. License issued May 19, 1890.
License No. 554.
License expires, May 17, 1891.
J. F. Bishop, *Secretary.*
License fee $200.

INSPECTOR'S REPORT.

OFFICE OF THE BOARD OF EXCISE,
NEW YORK, MAY 12, 1890.

To the Board of Excise:

Application of Henry E. Meagher, at 325 Bowery, located northeast corner of Second street and Bowery, for license, Class 3, visited May 10, 1890. The business is carried on under the name of applicant. Name of saloon, place, store or building, is none. Bar is on the first floor. There are in other rooms separate and apart from the barroom, no restaurant, no café and no sleeping rooms on premises. I have carefully examined said premises and building, and find there is no indication that the same are used, or are to be used, for gambling or other immoral purposes, and that no part of said building is a resort for immoral persons. The balance of building is used for lodge and meeting rooms; no part of the building is used as a skating rink, concert saloon, theater, or for sparring exhibitions; no waiter girls are employed and no music is had on the premises. These premises are not known as being disorderly. There is a license in this building now, Class 3, which expires May 17, 1890, issued to applicant located on the first floor. These premises have been licensed twenty-five years. There are signs on the premises advertising the sale of liquors and wines. There are six licensed places in the neighborhood located as shown on the within diagram, with house numbers and class, marked ⌐¬.

There are in the neighborhood unlicensed places located as follows (also as shown on the diagram marked ◯): Street and No. none; location, none. The churches, schools, hospitals and asylums on the same block, on either side of the street, or within 500 feet of the place are located as follows: None. The character of surrounding neighborhood is stores and dwellings. Name of former licensee at this time was B. French, who has retired. The former licensee was not arrested for violation of the excise law. The former licensee was not convicted of violation of the excise law. A protest has not been made against this place. An application was not rejected for this place. Upon diligent inquiry, I find the general reputation and moral character of the applicant to be good. Applicant is a citizen of the United States, and is a resident of this county. Applicant is now licensed at this place and has been since 1874. Applicant was formerly licensed at no other place. Applicant's license was not revoked. Applicant was not arrested for a violation of the excise law. Applicant was not convicted of violation of the excise law. There is no discharge filed. There is no bill of sale filed. License for this place has not been surrendered.

The grade of internal revenue stamp and date of issue is May 9, 1889, twenty-five dollars. Information from applicant and personal inspection.

Remarks: No record of any arrest on file in this office. Date taken from license.

Respectfully submitted.

SAMUEL RAUCH,
Inspector of Excise.

Diagram showing saloons, etc., licensed and unlicensed, class and street number in neighborhood of place reported on herein.

CITY AND COUNTY OF NEW YORK, ss.:

The foregoing report is true to the best of my knowledge and belief.

SAMUEL RAUCH,
Inspector of Excise.

Sworn to before me this 12th day of May, 1890.

PATRICK CUNNINGHAM,
Commissioner of Deeds.

EXHIBIT No. 1.— May 22, 1890.

Report of the Commissioners of Excise of the City of New York to Hugh J. Grant, Mayor.

Office of the Board of Excise,
54 Bond Street, New York, *January* 2, 1889.

Hon. Hugh J. Grant, *Mayor:*

Sir. — Following the precedent established by the present commissioners of excise, we submit to you, as the head of the municipal government, our report of the operations of the board of excise for the calendar year ending December 31, 1888.

The total number of licensed places now in the city and county of New York is 8,780, classified as follows:

Licensed to sell strong or spirituous liquors, wines, ale and beer, to be drank on the premises:

	Class.	Number.	License fee.
Hotels	1	119	$250
Hotels	2	139	200
Liquors, ale, beer or wine	3	5,862	200
Ale and beer only	5	222	30
Ale, beer and wine only	6	1,307	50
Restaurant	7	118	100
Steamboat	8	42	50
Total number	....	7,809	.....

Of that number 118 are restaurants, Class 7, where no bar is permitted, and where strong and spirituous liquors, wines, ale and beer, are served at table and with food only, and 571 are restaurants where a bar is permitted, but many of which, however, have no bar. Of these latter, 350 are Class 3, sixty-five are Class 5 and 156 are Class 6.

The total number of licensed drinking places other than hotels, restaurants and steamboats, is 6,820. The total number of such places in existence one year ago was 7,274, showing a decrease within the year of 454.

The number of steamboat licenses issued during the past year was forty-two as against twenty issued the preceding year. This increase is not due to any increase in the sale of drink upon steamboats; it is due solely to the fact that those steamboats upon which liquors, wines,

ale and beer are sold have been compelled to take out licenses. Previously to the year 1887, licenses for steamboats were not issued, and while most of the passenger and excursion boats plying from or in the harbor of New York maintained bars, they sold without license.

The places licensed to sell strong or spirituous liquors, wines, ale and beer, not to be drank on the premises, such as wholesale dealers, druggists, grocers, etc., the license fee being regulated by the amount of business done, are as follows:

	Class.	Grade.	Number.	Fee.
Storekeepers	4	A	43	$250
Storekeepers	4	B	24	150
Storekeepers	4	C	42	100
Storekeepers	4	D	862	50
Total number	....	....	971	.....

The number of such licenses issued the previous year was 798. The increase in the number of storekeepers' licenses issued during the past year, being 173, is due chiefly to the growth of the retail grocery in the improved portions of the city.

The number of storekeepers now licensed is fully double the number in existence at the time of the appointment of the present commissioners. In bringing about this result, we have been materially aided by the Retail Grocers' Union.

We have resorted to the United States special tax lists for information as to those persons whose business made it proper that they should take out an excise license. In many cases we found the failure to take out such license was due to a lack of knowledge of the law, and only in a few cases have we been compelled to resort to prosecution to secure compliance with the law.

While this increase has occurred in the number of storekeepers' licenses, the number of licenses for saloons or drinking places, shows, as above stated, a marked decrease. It should be remembered that during the same period the population of the city has greatly increased. We have believed that every person holding an excise license lawfully issued to him should be considered as having a claim upon us for a renewal of such license, so long as he was not proven to have violated the law. Where a license has been revoked for violation of the law, but where it has not been shown that the place was disorderly

and the resort of dissolute and disreputable persons and wholly unfit to be licensed, we have considered it proper to permit the place to be relicensed to some other person. While we have thus been careful not to exercise the powers vested in us in such a manner as to arbitrarily destroy the value of property vested in the liquor traffic, we have been determined to prevent an increase, and, as far as might be, to effect a decrease in the number of drinking places. Since the 22d of March, 1887, we have not permitted the number of existing licenses for such places to be increased. That is to say, for every new license issued, an old license must cease to exist; either by expiration, if in the case of a renewal, or by the surrender of the existing license where a license is issued to a new party for the same place; or, if for a new place not previously licensed, some existing license must be surrendered and canceled. While a decrease, as shown, has occurred in the number of licensed drinking places, we feel justified in saying that the efforts we have made to prevent unlicensed selling have been so far successful that there is now no public selling without license.

The receipts for licenses during the past year have been $1,430,420, an excess of $243,690 over the receipts during the previous year; so that, while there are fewer licensed places, the revenue is largely in excess of that of 1887. This is accounted for by the fact that the licenses of a large number of persons licensed to sell ale, beer and wines only — Classes 5 and 6 — were revoked upon proof that they had sold spirituous liquors, and in the majority of such cases full licenses — Class 3 — were issued to other persons for the same place.

During the past year the board of excise have held 1,777 trials in examination of complaints for violation of the excise law. Of that number sixty-nine were upon complaints received by the board, and 1,108 were upon proceedings initiated by the board; 940 were upon complaints against persons licensed to sell ale, beer and wines only, who were charged with selling spirituous liquors, and 107 were against persons licensed as "storekeepers" who were charged with selling to be drank on the premises. As a result of these trials there were 875 revocations of licenses.

In addition to the trials as above stated, the board held 191 hearings upon applications for licenses where objections existed or protest was made.

The number of applications for licenses rejected by the board was 767.

The number of applications granted for transfers of licenses was 429.

The following rules adopted by the board have been justified in their operation and have, we believe, met with public approval:

RULES OF THE BOARD OF EXCISE.

The board of excise will not permit any increase in the number of drinking places beyond the number now licensed; and a license will not be issued for a new place except upon the closing of an existing place, and the surrender of the license thereof, and in such case only when it is shown that the new place will be a public convenience, or that the majority of the property holders and residents in the neighborhood give their consent, in writing, thereto.

For a new place a license will not be issued until thirty days after the application is received.

An application for a license for a new place must be accompanied by a statement showing the number, location and character of the existing places licensed in the neighborhood of the proposed new place; also by the written consent of the owner of the property, or his authorized agent, that spirituous liquors, wine, ale or beer may be sold on the premises.

A new place will not be licensed unless it is shown that the requirements of the neighborhood demand it, or that the public convenience will be served thereby.

A license will not be issued for a new place adjoining a place already licensed or in the immediate vicinity of a church, schoolhouse, hospital or asylum.

A third corner will not be licensed for a new place, i. e., where two corners of any streets are already licensed, a license will not be issued for a new place at a third corner.

A place closed and unlicensed for more than three months will be considered as a new place if application for a license at that place is made.

No license will be granted for a new saloon, whether by transfer from or surrender of an old licensed place, without first notifying the owner or landlord of the old licensed place and giving him opportunity to be heard.

If an applicant for a license at a new place is proven to have sold spirituous liquors, wine, ale or beer at that place, before the action of the board upon his application, a license will be refused; and, in case a license has been issued before such proof is given, it will be revoked.

A license to sell spirituous liquors, wine, ale or beer to be drank on the premises, will not be granted at any place connected with a grocery or provision store.

Transfers may be granted in special cases where there is occasion for it, but a license can not be transferred more than once. The application for transfer must in all cases be granted before removal.

Application for a renewal of an existing license should be made not less than two weeks before the time the existing license expires. No license will be issued until two weeks after the day the application therefor is received at the office of the board of excise.

Application must be made by the applicant in person, accompanied by the bondsmen, at the office of the board of excise, where the necessary papers will be prepared by the clerks without any fee or charge.

Any officer or employe of the board of excise who shall be proven to have accepted any fee or gratuity from any person, will be peremptorily dismissed.

If an applicant for license, or any person interested with or representing such applicant, gives, or offers to give, any money or anything of value to any officer or employe of the board of excise to influence or reward his action as such officer or employe, the board of excise will, upon proof of any such gift or offer, refuse a license to such applicant and enter his name on the records of the office as a person unfit to receive a license; and in any such case, if a license has been issued, it will be revoked.

The duties of an inspector of excise are confined to making such written reports to the board of excise as are required by the rules, or by direction of the board.

Inspectors have no proper business to transact with applicants for license in or about the office of the board of excise. It is their duty to see the applicants at their residences or their places of business, when necessary, in making their inspections, and not to see them on excise business at any other place unless they are officially ordered to do so.

All persons making inquiries at the board of excise for any information whatsoever must be referred to the secretary.

Any employe of the board of excise who shall hold any intercourse with, or give any information to any person regarding the business of the board of excise or an application for license, except under the direction or by the authority of the board, will be, upon proof, peremptorily dismissed.

The licenses issued, with classes, grades and the license fees fixed by the present commissioners, are as follows:

Class 1. For a first-class hotel, $250. A hotel having a bar, and, in addition thereto, a restaurant or café, and a hotel having either a bar,

restaurant or café, and having fifty or more sleeping rooms, shall be considered a first-class hotel.

Class 2. For a second-class hotel, $200. A hotel license is issued under the law as defined by adjudication, only to a place where guests can be entertained or provided with "lodgings, meals, refreshments and such services and attentions as are necessarily incident to the use of the house as a temporary home."

Class 3. To sell strong or spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises—saloon license—$200.

For storekeepers' license, to sell strong or spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, not to be drank on the premises.

Grade A. For one whose sales are $10,000 or more per annum, $250.

Grade B. For one whose sales are $5,000 or more, and less than $10,000 per annum, $150.

Grade C. For one whose sales are $2,500 or more, but less than $5,000 per annum, $100.

Grade D. For one whose sales are less than $2,500 per annum, fifty dollars.

Class 5. To sell ale and beer only, to be drank on the premises, thirty dollars.

Class 6. To sell ale, beer and wines only, to be drank on the premises, fifty dollars.

Class 7. Restaurant without bar, to sell spirituous liquors, wines, ale and beer, at table with food only, $100.

Class 8. Steamboat with bar, to sell spirituous liquors, wines, ale and beer, fifty dollars.

As to Classes 5 and 6 the following rules are applied:

A license, Class 5 or 6, will not be issued until a permanent sign, on glass, metal or wood, has been put up over the entrance to the premises, on the outside, in a conspicuous position, bearing in letters not less than two inches in height, the following words: Ale and beer only (or ale, beer and wines only). No spirituous liquors sold.

All signs on the premises, inside or out, advertising the sale of spirituous liquors of any sort, must be taken down, and all spirituous liquors must be removed from the premises.

Upon proof that any spirituous liquor has been sold upon any place licensed to sell ale and beer (or wines) only, the license will be revoked and the bondsmen will be immediately prosecuted for the full penalty of the bond, and a license to sell ale and beer (or wines) only, will not be issued again for that place.

As a measure of protection for those intending to apply for licenses, public notice has been given as follows:

"All persons are hereby cautioned against purchasing or leasing any saloon, ale, beer or wine store, or any licensed place whatever, without first having applied to the commissioners of excise to ascertain whether such place will be again licensed. Licenses now existing may be revoked, and certain places now licensed will not be licensed again, because of violation of law."

Resulting from the operation of the foregoing rules there is a marked improvement in the condition of the business of selling liquors, ale, beer and wines in this city. The refusal to increase the total number of drinking saloons licensed, causes a decrease of such places in the districts where there are too many, as rapidly as new places are opened in the new and growing portions of the city where they are needed. The continuation of this process, in connection with the steady increase of population, will, in time, remove all ground for the complaint now frequently made that the number of licenses issued is disproportionate to the requirements of public convenience.

With some necessary changes in the law, which is now inadequate in some regards and doubtful as to proper construction in others, and with the co-operation of co-ordinate departments of the city government, in detecting and excluding improper persons, and closing disorderly places, we believe that all just ground for complaint against the excise administration of the city will be removed.

Respectfully submitted.

CHARLES H. WOODMAN,
WILLIAM S. ANDREWS,
JOHN VON GLAHN,
Commissioners of Excise.

LICENSES IN FORCE DECEMBER 31, 1888.

POLICE PRECINCTS.	CLASS.								Totals.
	1.	2.	3.	4.	5.	6.	7.	8.	
1	4	4	214	41	1	10	7	....	281
2	4	25	224	50	7	37	2	....	349
4	3	4	235	20	4	31	2	....	299
5	4	5	187	14	4	19	5	....	238
6	44	4	160	18	3	34	1	....	224
7	.....	.....	159	10	7	13	1	....	190
8	3	1	201	19	6	52	3	....	285
9	.....	6	242	35	8	10	1	....	302
10	2	.....	143	25	5	56	.....	....	231
11	.....	4	289	19	17	181	5	....	515
12	1	2	141	7	7	58	.....	....	216
13	.....	.....	175	10	22	106	.....	....	313
14	1	4	277	37	19	205	7	....	550
15	17	3	175	36	3	24	19	....	277
16	3	3	167	32	1	15	4	....	225
17	10	8	210	34	12	49	8	....	331
19	37	7	201	67	3	15	31	....	361
20	1	6	298	43	7	79	1	....	435
21	.....	1	195	34	7	35	2	....	274
22	6	11	344	62	6	56	4	....	489
23	9	7	251	68	8	50	7	....	400
24	.....	.....	.....	.....	.....	.....	.....	42	42
25	2	.....	234	53	10	56	3	....	358

26	1	.....	112	45	4	2	.....	.....	164
27	.....	2	335	74	4	40	1	.....	456
29	1	4	256	55	6	20	4	.....	346
30	1	4	108	37	5	4	.....	.....	159
31	2	2	17	.....	5	2	.....	.....	28
32	.....	14	42	4	10	2	.....	.....	72
33	3	1	194	11	9	37	.....	.....	255
34	.....	1	58	5	5	5	.....	.....	74
35	.....	6	18	6	7	4	.....	.....	41
Totals	119	139	5,862	971	222	1,307	118	42	8,780

LICENSES IN FORCE DECEMBER 31, 1888 — (*Concluded*).

POLICE PRECINCTS.	CLASS 4.						Class 3. Drugs.	RESTAURANTS.				
	Wholesale and retail liquors.	Grocers.	Druggists.	Bottlers.	Closed.	Totals.		3.	5.	6.	7.	Totals.
1	34	3	3	1	....	41	....	57	....	3	7	67
2	30	13	6	1	....	50	2	30	2	10	2	44
4	4	10	5	.....	....	19	2	42	4	10	2	58
5	6	5	1	2	....	14	....	24	2	4	5	35
6	1	15	.....	2	....	18	....	24	1	9	1	35
7	1	2	1	6	....	10	....	1	1	....	1	3
8	7	11	.....	1	....	19	1	33	1	20	3	57
9	5	21	4	3	2	35	....	6	5	1	1	13
10	4	19	.....	2	....	25	....	21	1	9	....	31
11	6	4	2	6	1	19	1	2	4	12	5	23
12	1	3	1	2	....	7	....	6	1	5	....	12
13	3	5	1	1	....	10	....	8	...	2	....	10
14	14	16	4	2	....	36	....	10	8	10	7	35
15	8	22	4	1	....	36	....	8	3	14	19	44
16	4	24	5	1	....	32	1	5	1	2	4	12
18	4	22	3	3	1	34	....	4	5	6	8	23
19	10	43	4	3	....	66	1	13	3	8	31	55
20	5	28	10	4	....	43	....	7	4	2	1	14
21	3	27	6	2	....	34	....	8	2	8	2	20
22	2	53	2	3	....	62	....	10	2	6	4	22
23	7	43	4	8	....	69	....	7	6	4	7	24

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LICENSES ISSUED FROM JANUARY 1, 1888, TO AND INCLUDING DECEMBER 31, 1888.

MONTH.	CLASS 1, FIRST-CLASS HOTEL.			CLASS 2, SECOND-CLASS HOTEL.			CLASS 3, SALOON.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	3	$250	$750	4	$200	$800	369	$200	$73,800
February	11	250	2,750	10	200	2,000	625	200	125,000
March	9	250	2,250	19	200	3,800	611	200	122,200
April	16	250	4,000	17	200	3,400	933	200	186,600
May	25	250	6,250	26	200	5,200	973	200	194,600
June	10	250	2,500	13	200	2,600	470	200	94,000
July	7	250	1,750	13	200	2,600	343	200	68,600
August	8	250	2,000	3	200	600	304	200	60,800
September	8	250	2,000	4	200	800	363	200	72,600
October	11	250	2,750	11	200	2,200	415	200	83,000
November	3	250	750	11	200	2,200	335	200	67,000
December	11	250	2,750	8	200	1,600	322	200	64,400
Total	122	.....	$30,500	130	.....	$27,800	6,063	.....	$1,212,600

LICENSES ISSUED FROM JANUARY 1, 1888, TO AND INCLUDING DECEMBER 31, 1888 — (*Continued*).

MONTH.	CLASS 4, STOREKEEPER A.			CLASS 4, STOREKEEPER B.			CLASS 4, STOREKEEPER C.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	1	$250	$250	3	$150	$450	.....	$100	.....
February	2	250	500	2	150	300	3	100	$300
March	2	250	500	4	150	600	5	100	500
April	3	250	750	6	150	900	9	100	900
May	13	250	3,250	4	150	600	15	100	1,500
June	3	250	750	2	150	300	4	100	400
July	3	250	750	1	150	150	4	100	400
August	1	250	250	1	150	150	3	100	300
September	4	250	1,000	.....	150	.....	.....	100	.....
October	1	250	250	1	150	150	1	100	100
November	.....	250	.....	.....	150	.....	2	100	200
December	.....	250	.....	1	150	150	1	100	100
Total	33	.....	$8,250	25	.....	$3,750	47	.....	$4,700

LICENSES ISSUED FROM JANUARY 1, 1888, TO AND INCLUDING DECEMBER 31, 1888 — (*Continued.*)

MONTH.	CLASS 4, STOREKEEPER D.			CLASS 5, ALE AND BEER.			CLASS 6, ALE, BEER AND WINE.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	28	$50	$1,400	16	$30	480	152	$50	$7,600
February	34	50	1,700	17	30	510	129	50	6,450
March	87	50	4,350	24	30	720	111	50	5,550
April	104	50	5,200	25	30	750	176	50	8,800
May	175	50	8,750	42	30	1,260	228	50	11,400
June	94	50	4,700	29	30	870	140	50	7,000
July	64	50	3,200	16	30	480	91	50	4,550
August	44	50	2,200	13	30	390	87	50	4,350
September	53	50	2,650	20	30	600	98	50	4,900
October	61	50	3,050	13	30	390	97	50	4,850
November	56	50	2,800	17	30	510	115	50	5,750
December	78	50	3,900	12	30	360	114	50	5,700
Total	878	.....	$43,900	244	.....	$7,320	1,538	.....	$76,900

LICENSES ISSUED FROM JANUARY 1, 1888, TO AND INCLUDING DECEMBER 31, 1888 — (*Concluded*).

MONTH.	CLASS 7. RESTAURANT.			CLASS 8, STEAMBOAT.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	5	$100	$500	.....	$50	.....
February	14	100	1,400	.....	50	.....
March	20	100	2,000	1	50	$50
April	20	100	2,000	1	50	50
May	15	100	1,500	1	50	50
June	11	100	1,100	13	50	650
July	5	100	500	23	50	1,150
August	6	100	600	2	50	100
September	9	100	900	.....	50	.....
October	9	100	900	1	50	50
November	6	100	600	.....	50	.....
December	6	100	600	.....	50	.....
Total	126	.....	$12,600	42	.....	$2,100

RECAPITULATION.

		Number.	Amount.
Class 1	First-class hotel	122	$30,500
Class 2	Second-class hotel	139	27,800
Class 3	Saloon	6,063	1,212,600
Class 4	Storekeeper, A	33	8,250
Class 4	Storekeeper, B	25	3,750
Class 4	Storekeeper, C	47	4,700
Class 4	Storekeeper, D	878	43,900
Class 5	Ale and beer	244	7,320
Class 6	Ale, beer and wine	1,538	76,900
Class 7	Restaurant	126	12,600
Class 8	Steamboat	42	2,100
	Totals	9,257	$1,430,420

RECAPITULATION.

Month.		Number.	Amount.
January	Licenses issued	581	$86,030
February	Licenses issued	847	140,910
March	Licenses issued	893	142,520
April	Licenses issued	1,310	213,350
May	Licenses issued	1,517	234,360
June	Licenses issued	789	114,870
July	Licenses issued	570	84,130
August	Licenses issued	472	71,740
September	Licenses issued	559	85,450
October	Licenses issued	622	97,690
November	Licenses issued	545	79,810
December	Licenses issued	553	79,560
	Totals	9,257	$1,430,420

EXHIBIT No. 2—MAY 22, 1890.

REPORT OF THE COMMISSIONERS OF EXCISE OF THE CITY OF NEW YORK TO ABRAM S. HEWITT, MAYOR.

OFFICE OF THE BOARD OF EXCISE, 54 BOND STREET,
NEW YORK, *December* 31, 1887.

HON. ABRAM S. HEWITT, *Mayor:*

Following the precedent established by the present commissioners of excise at the close of the last year, we submit to you as the head of

the municipal government, our report of the operations of the board of excise for the past twelve months.

Total number of licensed places now in existence is 8,817, classified as follows:

Licensed to sell spirituous liquors, ale, beer or wines, to be drank on the premises:

	Class	Number.	License fee.
Hotels	1	94	$250
Hotels	2	109	200
Liquor, ale, beer or wine	3	5,254	200
Ale and beer only	5	510	50
Ale, beer and wine only	6	2,049	50
Total number	....	8,016	.....

Of that number 519 are restaurants or eating-houses. A new grade of license, Class 7, fee $100, has recently been adopted, only three being issued, for restaurants not having a bar, but where spirituous liquors, ale, beer and wines were served at table.

The total number of licensed drinking places, other than hotels and restaurants, is 7,195. Of these twenty are steamboats.

Formerly the board of excise refused to issue licenses to steamboats or excursion boats, upon the assumption that they had no authority to do so. Most of the excursion boats plying in the waters within the jurisdiction of the city and county of New York have bars and necessarily sold, if at all, without license. We have issued licenses to all such that have applied.

The places licensed to sell spirituous liquors, ale, beer and wines not to be drank on the premises (such as wholesale dealers, druggists, grocers, etc.), the license fee being regulated by the amount of business done, are as follows:

	Class.	Grade.	Number.	Fee.
Storekeepers	4	A	35	$250
Storekeepers	4	B	26	150
Storekeepers	4	C	48	100
Storekeepers	4	D	689	50
Total number	....	....	798	....

A similar classification of existing licenses was made on April 1, 1887. At that time the total number of drinking places licensed was 7,463. The total number of drinking places now in existence is, as heretofore stated, 7,197, an apparent decrease of 266. In that decrease is included 190 places for which licenses were issued, that are closed, and seventy-six places the license for which have expired and have not been renewed.

The number of restaurants then was 484; there are now 519; an increase of thirty-five.

The number of storekeepers licensed (chiefly grocers selling by the bottle) was then 534; it is now 798.

During the year we have issued 9,266 licenses, and have rejected 372 applications for license.

As proposed in our report of last year we changed the rates of license fees, prescribing a new license, Class 6, for ale, beer and wines, at fifty dollars, and increasing the fees for license, Class 3, and hotels, Class 2, for $200, and graded the fees for storekeepers' licenses in proportion to the amount of business done, from fifty dollars to $250. The former fee for storekeepers' license had been uniformly seventy-five dollars.

Owing to the effort we have made to compel those who formerly sold without license to take out licenses, the number of storekeepers' licenses issued has increased. On the other hand, the restrictions imposed have resulted in a marked decrease in the number of drinking places.

The receipts for licenses during the present year have been $1,186,730, an excess of $505,290 over the receipts during the previous year.

The receipts of the last fiscal year, that is, from May 1, 1886, to May 1, 1887, were $827,370. It is estimated that for the present fiscal year they will be not less than $1,400,000.

The number of United States special tax stamps issued in the city and county of New York, during the past year, was 10,538, being 1,272 in excess of the number of excise licenses. That excess is made up of those issued to wholesale liquor dealers who do not sell in quantities less than five gallons and do not, therefore, require an excise license, and brewers, rectifiers, druggists, manufacturers and dealers of various sorts, who use alcohol or other spirituous liquors and do not come within the scope of the excise law. A small portion of the total number are issued to those who sell in violation of the excise law.

The number of unlicensed places is, however, much smaller than formerly, and will, we believe, be very greatly reduced hereafter.

Public officials generally have little else to do than to obey the plain requirements of the law. Their duties are prescribed for them, and they act under and explicit direction in their performance. Commissioners of excise differ from other public officials in the fact that they are entrusted with the discretionary power peculiar to their office. The law provides that no man is entitled to an excise license as a matter of right. It is a privilege that may be exercised only by such persons and at such places as the commissioners may, in their judgment, deem proper. Their power to grant that privilege is absolutely without limit or restriction, and their power to refuse it is subject only to the condition that such refusal shall not be arbitrary or without good and valid reasons.

Power so great, affecting the property and interests of individuals and the well being of the community, may be greatly abused. The only justification for putting such unrestricted authority in the hands of officials must be found in the fact that questions which should properly govern the granting of excise licenses are such as can not be decided by the ordinary process of legal procedure, but must be determined by the exercise of judgment and discretion.

We came into the office at a time when public attention was, in a special degree, centered upon the administration of the excise laws, and in the midst of a very general demand for some change or modification in those laws. On the one hand, a very large portion of our citizens earnestly protested against the arbitrary and unreasonable exactions of laws in the making of which they had no voice, and for the repeal of which they were powerless; while on the other hand another portion of the community were equally earnest in the demand that the laws should be made more stringent.

A conscientious discharge of our duties compelled us to regard what we believed to be the prevailing public sentiment in restricting the number and determining the location of licensed places. With that intention we adopted and published certain general rules to be observed in granting licenses. We provided that "a license will not be issued for a new place adjoining a place already licensed, or in the immediate vicinity of a church, school-house, hospital or asylum;" or "at a third corner where two corners of any street are already licensed;" and that the number of drinking places should not be permitted to be increased, requiring that a new place should not be opened unless an old place was closed. And because of the Civil Damage Act we do not issue a license for a new place except upon the written consent of the owner of the property or his authorized agent.

These restrictions apply only to new places. We have acted upon the assumption that where a business was already established under authority of law there existed a privilege which, so long as the conditions of the law were complied with, we could not justly destroy. For that reason we have never refused to renew a license for an existing place, except upon proof of violation of law, and have done all in our power to protect law-abiding licensees against whom no complaint was made.

We have never failed to revoke or refuse to license upon evidence that the law had been violated or that the place or person was not proper to be licensed.

The necessary application papers, bonds and depositions are drawn and executed in our office with fee or charge.

The duty of our inspectors is limited to reporting the facts in each case. The decision whether a license shall be granted or refused rests wholly with the commissioners.

As stated in our last report, it was anticipated that some dealers would take out licenses for the sale of ale, beer and wine only, with the intention to sell liquor, depending upon their ability to escape detection, but we believe that it would be entirely within the power to detect those who attempt it. We thought then, and think now, that we were justified in making the discrimination we did between the fee for the sale of spirituous liquors and that for the sale of ale, beer and wine. As then stated, beer and wines form the customary drink of a very large portion of our population, to a great number of whom the use of beer is a habit of daily diet. Many of these can not afford to purchase more expensive drinks. The distribution of ale and beer, to a considerable extent, is made by small dealers. Many of these have no demand for and no occasion to keep liquors, and therefore use the lower grade of license. For such, it is our intention to maintain it; but the licenses of those who, having taken out an ale, beer and wine license, have sold liquor, have been, or will be, revoked; and ale, beer and wine licenses will not be again granted for those places. We have secured evidence against a large number of places, which must hereafter pay the full license or be closed.

The refusal of the board to permit an increase of the number of licensed places and the enforcement of the rules regarding the location of new places, has resulted in a large number of proceedings under the law permitting an applicant to apply to the court to review the action of the commissioners, and has devolved a considerable amount of labor upon our counsel. The policy and action of the board has

been sustained by the courts, and important questions of law have been settled.

The excise law is in a very confused and unsatisfactory condition, and it is frequently impossible to determine, without judicial decision, what is the meaning or the requirement of the law.

The administration of our office has been in accordance with the system described in our report of last year, and is, we believe, more efficient than was possible before. The increased appropriation made for the expenses of the board of excise during the present fiscal year has enabled us to employ a larger force, and also to increase the compensation of our employes, with the result of securing a better service, without which it would not have been possible for us to have obtained so great an increase of revenue.

Respectfully submitted.

CHARLES H. WOODMAN,
WILLIAM S. ANDREWS,
JOHN VON GLAHN,
Commissioners of Excise.

OFFICE OF THE BOARD OF EXCISE,
NEW YORK, *December* 31, 1887.

Hon. ABRAM S. HEWITT, *Mayor:*

In accordance with the request made by you, we submit the following suggestions for changes in the existing law, in the hope that, if approved by you, they may be embodied in a bill to be submitted to the Legislature:

In our opinion, the entire excise law should be revised and simplified, as in its present condition it is in some regards indefinite and confused. We confine ourselves to this communication, however, to such suggestions as we deem necessary or proper for the better administration of the law in this city.

We think the commissioners of excise should have power to permit the widow or immediate heirs, or the executors, of a deceased licensee to continue the business under the license during the term for which it is issued. Under the existing law a license, being a privilege, dies with the person to whom it is issued, and hardship and injustice is frequently the result.

The law requires that a licensee must be a resident of the county. While this is doubtless a very proper requirement for rural districts, it creates serious embarrassment in this city, where a large number of

those persons, many of whom are wholesale dealers or storekeepers doing business here, reside in adjoining counties. We think that the law should be so changed as to permit us to grant a license to any resident of this State doing business in this city.

We think that an advantage would result from the modification of the law permitting the granting of licenses for a short term. Under the existing law a license can not be issued for less than one year. It frequently happens that a license is desired for fairs, balls and excursions. In such cases a license is usually dispensed with; wine and beer are sold without license; if arrested, bail is given, and that is the end of it. There is, very often, no good reason why a license should not be granted in these cases if the law permit it. As the law regulates the traffic under prescribed conditions, it should make those conditions consistent with the convenience and proper requirements of law-abiding citizens, and those conditions should be enforced.

We think, also, that the law should be so defined as to permit a licensed place to be connected with the entrance hall or vestibule of a place of amusement. The existing provision of law that liquors, ale, beer or wine shall not be sold in the auditorium or lobbies of a theatre, or other place of amusement, or "in any other place connected therewith by door, window or other aperture," was undoubtedly designed to prevent drinks being served to the audience in the theatre, and as directed against a low class of places of entertainment that formerly existed. There can be no reason for compelling the patrons of a theatre to go into the street in order to enter a licensed place located in the same building. We have considered that the word "lobby," as used in the law, applied to passageways between the auditorium and the doorkeeper, or place where admission tickets are taken. We have considered that the vestibule or entrance way which it might be necessary to pass through before reaching the ticket-taker or place of admission to the theatre, was not a lobby within the meaning and intent of the law. We have, therefore, granted licenses to places connected with such entrance ways or vestibules. We believe that we are justified and sustained in this course by the decision of the Supreme Court in the Niblo's Garden case, understanding our action to have been in accordance with the rule expressed. A recent opinion of the counsel to the corporation, however, to the effect that that decision does not apply to all cases of apparently similar character, involves the matter in such doubt that it is desirable that the law should be more definitely expressed.

It is, we believe, impossible to enforce a law which conflicts with the public convenience and is not sustained by popular sentiment. It

is an admitted fact that the law requiring licensed places to be closed between the hours of 1 and 5 A. M., and all day on Sunday, is generally and persistently disregarded. The reason is, we believe, that the habits and convenience of a very large number of people require some of such places to be open during the prohibited hours. In the greater part of the city it would be of great advantage if the law could be strictly enforced.

In those parts of the city occupied as residences, where the people sleep, if all licensed places were closed during the prescribed hours good order and public morals would be served. It is true that the greater part of the drunkenness and crime resulting from the abuse of intoxicants occurs during the hours when, according to the law, drinking saloons should be closed. We believe that if the law could be uniformly enforced the liquor dealers themselves would generally approve it. The difficulty is that a large number of our population, perhaps 50,000, are engaged in their ordinary and legitimate avocations during the night time, and especially after 1 o'clock in the morning — newspaper men, printers, newsdealers, grocers, milkmen, marketmen, those who bring produce to the city, railroad and steamboat employes, and many others. They compose an honest, thrifty and law-abiding portion of the community. For their accommodation restaurants, hotels and drinking places about the markets, at the ferries, railway stations, about the printing offices, and at certain points upon the many thoroughfares, should be opened, and for that purpose commissioners of excise should be permitted to issue, the law requiring other places to be closed could, we believe, be much more easily enforced.

For similar reasons we believe that it would be positive advantage to the community if licenses could be granted to certain places to open on Sunday, during specified hours, for the accommodation of the large portion of the community to whom the use of beer and wines, are from habit, a necessity, as forming a part of their daily diet.

We believe that a great advantage would result from the adoption of the system existing in some parts of Europe of licensing the house as well as the person. If that were done, and the penalty for a violation of the excise law were a fine for the first or second offense the owner of the property would become an interested party and a most important ally in compelling the keeper of the place to obey the law. The rental value of places licensed is greater for that than for any other business as a rule, and every interest would be engaged in preventing such a condition of things as would lead to a loss of the right of a license for any given premises. We believe that the impo-

sition of a money consideration alone will fail to secure a proper and orderly conduct of the business. The effect of a high license would be in some instances to drive out of business reputable persons conducting an orderly place in a moderate way, while the worst and most objectionable places could readily pay the highest fee. If the liquor traffic is to be restricted and regulated with a view to public order and good morals it must be done by the imposition of such restrictions as will make it possible for any one to carry on the business in a disorderly and objectionable way no matter what license fee they may pay. Our conclusion, therefore, is that a strict enforcement of good behavior by refusing to renew the license of a place which has become disorderly or improperly conducted, or where the law is persistently violated, accompanied by a moderate fee, will be more effective in restricting the objectionable features of the liquor traffic and preventing public annoyance and disorder than would be a high license fee unaccompanied by such enforcement.

Respectfully submitted.

WILLIAM S. ANDREWS,
JOHN VON GLAHN,
Commissioners of Excise.

OFFICE OF THE BOARD OF EXCISE, 54 BOND STREET,
NEW YORK, *December* 31, 1887.

HON. ABRAM S. HEWITT, *Mayor:*

SIR.—I am unable to indorse certain recommendations for amendments of the excise law offered by my colleagues in their communication of December 31, 1887; while there are several possible amendments which seem to me of far greater importance than any they have made, I have the honor, therefore, in response to your communication to the board of excise requesting a statement of such measures of reform as our experience shows to be needed, to submit herewith a minority report.

The suggestions I shall offer are based upon experience, and what I conceive to be the underlying principles of the excise law, and a rapidly increasing public sentiment.

The excise law was not made, and should not be administered, in the interest of the liquor seller. It was made not to promote but to restrict the traffic; not to protect the seller in his business, but to protect the public against the inevitable evil results of the trade. So inevitable and so evil are these results that the tendency of public opinion and of the excise legislation in all civilized countries for many

years past has been toward severer curtailment and control of the liquor traffic. In several States of our Union it has culminated, through popular vote, in absolute prohibition.

Every new step, therefore, should be toward further restriction and repression. The saloon, as it has developed in this city, is a gigantic evil in the vastness of its proportion and in the character it too often bears. It is sapping the strength and endangering the safety of the commonwealth. I believe it to be in the highest degree unwise to do anything to enlarge its scope or strengthen its grip upon the community.

The three most pressing needs are: Restriction by population, restriction by high license, and restriction by severity, and enforcement of penalty.

The law should prohibit the granting of any new saloon licenses (not renewals) wherever and whenever the number of existing saloons has attained the proportion of one to each 500 of the population. Estimating the census of New York city at 1,500,000, this would give 3,000 drinking places, as against the 8,000 (or one to each 190 of population) now licensed.

As it would be years, however, before the saloons in this city would be reduced by natural causes to the desired proportion, the law should impose a license fee large enough to reduce them speedily to at least one-half their present number; and while licenses should never be granted for the sake of the revenue, it can not be ignored that an incidental result of such high license will be to aid the city treasury in supporting the great multitute of paupers, lunatics and criminals, so large a proportion of whom are the direct fruits of the saloon.

Another effect of high license is a marked improvement in the character and conduct of the place. The man who pays $500 or $1,000 for his license immediately acquires a fund of conservatism which makes him a natural ally of the law.

It is doubtless true, as my colleagues state, "that the imposition of a money consideration alone will fail to secure a proper and orderly conduct of the business," and that a strict enforcement of good behavior by refusing to renew the license of a place which has become disorderly or is improperly conducted, or where the law is persistently violated, accompanied by a moderate fee, will be more effective in restricting the objectionable features of the liquor traffic and preventing public annoyance and disorder, than would be a high license unaccompanied by such enforcement. But the simple answer to this is that we should have both high license and strict enforcement, and the two are so far from being incompatible that the first will render

the second much more easy of accomplishment. I most urgently recommend the enactment by the Legislature of a restrictive, high license law.

Risks, however, would still be taken by reckless licensees, unless the punishment for violating the law were severe, speedy and sure. I recommend, therefore, that the penalty be imprisonment, in addition to the fine, and that a court be established to deal only with excise cases.

The law should forbid the establishment of any new place (except hotels and restaurants), for the sale of intoxicating liquors to be drank on the premises, within 500 feet of any church, school, hospital or asylum; in any tenement-house. The law should prohibit the sale of intoxicating liquors to be drank on the premises; in any room connected with a grocery; in any drug store. The law should prohibit the holding of a primary in any saloon, or room connected therewith. No license should be granted to any one not a citizen of the United States. The character of the applicant should be certified under oath by at least ten resident freeholders. The bond should be increased from $250, the present amount, to $2,000. The landlord, when the applicant himself is not the owner of the premises, should be one of the bondsmen. No enlargement or material alteration, of a licensed saloon should be permitted, except upon the approval of the board of excise. The licensee who has been convicted of a violation of the excise law should be incapable of holding, as well as receiving, a license during a period of three years from the date of such conviction. No place (except hotels, bona fide restaurants, and places licensed to sell liquor not to be drunk on the premises), the license on which shall be revoked by conviction, should be relicensed before the expiration of at least one year from the date of such conviction. The excise commissioners should have power to revoke a license which has been obtained by fraud, or material misrepresentations, on the part of the applicant. They should be required to advertise, in the public press, all applications for license.

The Excise Mandamus Act needs two amendments. It should provide for a writ of certiorari in the first instance, the same to be heard at special term; and it should give to any person the same right to a writ of certiorari in the case of a decision of the board granting a license that the applicant now as in the case of a decision of the board refusing a license.

Finally, in New York, the excise department should be a city department, having a single head, with the power of appointment and removal vested solely in the mayor.

I approve the recommendations of the majority report, that the commissioners have power to permit the widow, immediate heirs or executors of a deceased licensee to continue the business under the license for its unexpired term; that residents of the State, instead only of the county, be eligible to receive license; that the law specify more explicitly in just what portions of a theater building the sale of liquors is prohibited; that power be given the commissioners to issue short-term licenses for special occasions; and that the building, as well as the seller, be licensed.

I oppose the recommendation that special licenses be granted for remaining open all night. It is the night drinking that is most productive of disorder and crimes of violence; and while it may be true that there are many to whom all-night saloons would be a convenience, the same argument would keep saloons open during every hour of the week, since there is no hour in which multitudes of people are not at work in this city. I think it would be wiser, on the other hand, and would tend greatly to the peace of the community, if the law should extend the prohibited hours, and close the saloons between the hours of midnight and 6 in the morning.

I oppose the recommendation that licenses be granted to certain places to keep open during specific hours on Sunday, understanding, as I do, that this means for the purpose of drinking on the premises. I believe that Sunday opening is directly opposed to American sentiment, and would result in the entire overthrow of the peace and order of that day which the nation has seen fit to keep as a quiet day of repose from unnecessary labor since its birth in the revolution.

Respectfully.

CHAS. H. WOODMAN,
President of the Board of Excise.

LICENSES ISSUED FROM JANUARY 1, 1887, TO AND INCLUDING DECEMBER 31, 1887.

MONTH.	CLASS 1, FIRST-CLASS HOTEL.			CLASS 2, SECOND-CLASS HOTEL.			CLASS 3, SALOON.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	.....	.....	.....	4	$100	$400	540	$75	$40,500
				1	200	200	405	75	30,375
February	3	$250	$750	6	100	600	138	200	27,600
							2	75	150
March	8	250	2,000	8	200	1,600	426	200	85,200
April	15	250	3,750	12	200	2,400	772	200	154,400
May	21	250	5,250	19	200	3,800	842	200	168,400
June	10	250	2,500	10	200	2,000	437	200	87,400
July	7	250	1,750	15	200	3,000	291	200	58,200
August	6	250	1,500	5	200	1,000	255	200	51,000
September	8	250	2,000	5	200	1,000	314	200	68,800
October	9	250	2,250	8	200	1,600	339	200	67,800
							1	150	150
November	10	250	2,250	10	200	2,000	295	200	59,000
December	6	250	1,500	10	200	2,000	294	200	58,800
Total	103	.....	$25,750	113	.....	$21,600	5,351	.....	$951,775

LICENSES ISSUED FROM JANUARY 1, 1887, TO AND INCLUDING DECEMBER 31, 1887—(*Continued*).

MONTH.	CLASS 3, SPECIAL STEAMBOAT.			CLASS 4, STOREKEEPER.			CLASS 4, STOREKEEPER A.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	.....	.....	.....	22	$75	$1,650	.....	.....	.....
February	.....	.....	.....	15	75	1,125	1	$250	$250
March	.....	.....	.....	.....	.....	.....	3	250	750
April	.....	.....	.....	.....	.....	.....	3	250	750
May	.....	.....	.....	.....	.....	.....	15	250	3,750
June	1	$50	$50	.....	.....	.....	4	250	1,000
July	19	50	950	.....	.....	.....	2	250	500
August	.....	.....	.....	.....	.....	.....	2	250	500
September	.....	.....	.....	.....	.....	.....	4	250	1,000
October	.....	.....	.....	.....	.....	.....	1	250	250
November	.....	.....	.....	.....	.....	.....	.....	.....	.....
December	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	20	.....	$1,000	37	.....	$2,775	35	.....	$8,750

LICENSES ISSUED FROM JANUARY 1, 1887, TO AND INCLUDING DECEMBER 31, 1887 — (*Continued*).

MONTH.	CLASS 4, STOREKEEPER B.			CLASS 4, STOREKEEPER C.			CLASS 4, STOREKEEPER D.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	.....	.....	.....	.....	.....	.....	.....	.....	.....
February	.....	.....	.....	1	$100	$100	8	$50	$400
March	4	$150	$600	5	100	500	65	50	3,250
April	6	150	900	6	100	600	71	50	3,550
May	9	150	1,350	19	100	1,900	128	50	6,400
June	3	150	450	4	100	400	89	50	4,450
July	.....	.....	.....	3	100	300	54	50	2,700
August	.....	.....	.....	3	100	300	29	50	1,450
September	1	150	150	1	100	100	50	50	2,500
October	1	150	150	2	100	200	61	50	3,050
November	1	150	150	3	100	300	44	50	2,200
December	1	150	150	1	100	100	63	50	3,150
Total	26	.....	$3,900	48	.....	$4,800	662	.....	$33,100

LICENSES ISSUED FROM JANUARY 1, 1887, TO AND INCLUDING DECEMBER 31, 1887 — (*Continued*).

MONTH.	CLASS 5, ALE AND BEER.			CLASS 6, ALE, BEER AND WINES.			CLASS 7, RESTAURANT.		
	Number.	Rate.	Amount.	Number.	Rate.	Amount.	Number.	Rate.	Amount.
January	45	$30	$1,350	.....	.....	.....	.....	.....	.....
February	44	30	1,320	74	$50	$3,700	.....	.....	.....
March	57	30	1,710	209	50	10,450	.....	.....	.....
April	44	30	1,320	266	50	13,300	.....	.....	.....
May	82	30	2,460	454	50	22,700	.....	.....	.....
June	56	30	1,680	226	50	11,300	.....	.....	.....
July	31	30	939	197	50	9,850	.....	.....	.....
August	28	30	840	171	50	8,550	.....	.....	.....
September	47	30	1,410	204	50	10,200	.....	.....	.....
October	44	30	1,320	208	50	10,400	1	$100	$100
November	22	30	660	178	50	8,900	.....	.....	.....
December	21	30	630	160	50	8,000	2	100	200
Total	521	.....	$15,630	2,347	.....	$117,350	3	.....	$300

RECAPITULATION.

		Number.	Amount.
Class 1..	First-class hotel	103	$25,750
Class 2..	Second-class hotel	113	21,600
Class 3..	Saloon	5,351	951,775
Class 3..	Special steamboat	20	1,000
Class 4..	Storekeeper	37	2,775
Class 4..	Storekeeper, A	35	8,750
Class 4..	Storekeeper, B	26	3,900
Class 4..	Storekeeper, C	48	4,800
Class 4..	Storekeeper, D	662	33,100
Class 5..	Ale and beer	521	15,630
Class 6..	Ale, beer and wine	2,347	117,350
Class 7..	Restaurant	3	300
	Total number	9,266	$1,186,730

RECAPITULATION.

MONTH.		Number.	Amount.
January	License issued	611	$43,900
February	License issued	696	66,420
March	License issued	787	106,210
April	License issued	1,195	180,970
May	License issued	1,589	216,010
June	License issued	840	111,230
July	License issued	619	78,180
August	License issued	499	65,140
September	License issued	634	81,160
October	License issued	674	87,120
November	License issued	564	75,860
December	License issued	558	74,530
	Total number	9,266	$1,186,730

EXHIBIT No. 1—MAY 23, 1890.

APPROPRIATIONS MADE TO BOARD OF EXCISE FOR TEN YEARS.

(*Laws* 1874, *chapter* 642.)

Year.		
1880.	May 1 to April 30, 1881, board of estimate and apportionment, January 3, 1880, May 21, 1880, December 31, 1880	$78,675 00
1881.	May 1 to April 30, 1882, board of estimate and apportionment, May 12, 1881	71,200 00

Year.		
1882.	May 1 to April 30, 1883, board of estimate and apportionment, May 27, 1882	$71,000 00
1883.	May 1 to April 30, 1884, board of estimate and apportionment, May 10, 1883	70,000 00
1884.	May 1 to April 30, 1885, board of estimate and apportionment, May 19, 1884	71,000 00
1885.	May 1 to April 30, 1886, board of estimate and apportionment, May 28, 1885	71,000 00
1886.	May 1 to April 30, 1887, board of estimate and apportionment, January 25, 1886	72,000 00
1887.	May 1 to April 30, 1888, board of estimate and apportionment, June 15, 1887, July 12, 1887, December 31, 1887	144,384 01
1888.	May 1 to April 30, 1889, board of estimate and apportionment, October 16, 1888	144,000 00
1889.	May 1 to April 30, 1890, board of estimate and apportionment, June 12, 1889	143,700 00

EXHIBIT No. 2 — May 23, 1890.

May, 1880, to April 30, 1881.

June 3, 1880	$65,000
December 31, 1880	13,300
Total	$78,399

Same salary of employes, rent and other expenses.

Board of Estimate and Apportionment — May 12, 1881.

For the year May 1, 1881, to April 30, 1882.

For three commissioners	$15,000
For counsel	5,000
For inspectors	32,000
For two messengers	1,600
For two clerks	3,600
For one chief inspector	1,800
For six clerks	6,000
For one janitress	600
For rent	2,100
For printing, stationery, gas, etc	3,000
For fitting up and furnishing new offices	500
Total	$71,200

Adopted appl. vote 4.

MAY 27, 1882.

[Estimate adopted.]

Three commissioners	$15,000
Counsel	5,000
Two messengers	1,600
Stenographer, clerks and inspectors	42,000
Chief inspector	1,800
Janitress	600
Rent	2,100
Printing, stationery, gas, etc	3,000
Total	$71,000

Passed appl. vote 4.

MAY 1, 1882, TO APRIL 30, 1883.

BOARD OF ESTIMATE AND APPORTIONMENT — MAY 9, 1883.

The comptroller presented the following:

BOARD OF EXCISE, 54 BOND STREET,
NEW YORK, *April* 26, 1883.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN.— The board of excise commissioners hereby present their estimate for the appropriation to defray the necessary expenses of said board during the year 1883–84. The board deem the sum of $72,400 required for these purposes. The amount hereby asked for is as follows:

Three commissioners	$15,000 00
Counsel	5,000 00
Stenographer $2,000, chief clerk $2,000	4,000 00
Cashier and chief inspector, $1,800 each	3,600 00
General clerk, bookkeeper, license application, deputy cashier, record and precinct clerks, at $1,500	10,500 00
Two messengers $1,600, janitress $600	2,200 00
Rent as per lease	2,100 00
Stationery, printing and supplies	3,000 00
Thirty inspectors, at $900 each	27,000 00
Total	$72,400 00

Respectfully yours.

WILLIAM P. MITCHELL,
E. B. HART,
Commissioners.

On motion, the board proceeded to the consideration of the estimate for 1883–84 for the board of excise.

William P. Mitchell and John J. Morris, excise commissioners, appeared before the board and made statements relative to the amount required to meet the expenses of the board of excise for the year.

The president of the department of taxes and assessments moved that the appropriation be made in detail, showing each item of expense, which was lost by the following vote:

Affirmative — The president of the department of taxes and assessments — 1.

Negative — The mayor, the comptroller and the president of the board of aldermen — 3.

The chairman offered the following resolution:

Resolved, That in pursuance of the authority conferred upon the board of estimate and apportionment by the provisions of chapter 642 of the Laws of 1874, the sum of seventy thousand dollars ($70,000) hereby is fixed and appropriated from the moneys received into the treasury for excise licenses as the amount necessary to pay the salaries of the commissioners of excise, the hire of employes, rent and other necessary expenses of the board of excise in the city of New York, from May 1, 1883, to May 1, 1884, which was adopted by the following vote:

Affirmative — The mayor, comptroller, president of the board of aldermen, and president of the department of taxes and assessments — 4.

On motion, the board adjourned.

THOMAS B. ASTEN,
Secretary.

Board of Estimate and Apportionment — May 15, 1884.

The Comptroller presented the following:

City of New York, Finance Department,
Comptroller's Office, *May* 14, 1884.

To the Board of Estimate and Apportionment:

The comptroller, to whom was referred the estimate of the board of excise for an appropriation to defray the necessary expenses of said board during the year 1884–85, respectfully reports that a communication was addressed by me to the board of excise, asking for an explanation of items in their estimate, which might be considered as larger in amount than is required to defray the expenses of the board.

A reply has been received, giving the reasons why the excise board have made the estimate they have presented, and why the appro-

priation of the amount is considered necessary. The letter from the president of the board of excise is herewith submitted, and I present a resolution to appropriate the amount of the estimate, for such action thereon as the board of estimate and apportionment may deem proper.

Respectfully submitted.

S. HASTINGS GRANT,
Comptroller.

OFFICE OF BOARD OF EXCISE,
No. 54 BOND STREET, CORNER BOWERY,
NEW YORK, *May* 12, 1884.

HON. S. HASTINGS GRANT, *Comptroller:*

SIR.—In reply to your communication of the ninth inst., I beg to state that the estimate, for the expenses of conducting the business of this department presented to the board of estimate and apportionment for the year 1884–85 have been carefully prepared, and, in opinion of this board are as low as they can be made without impairing the efficiency of the department.

The revenues have been increased nearly $100,000 within the past year, or about $20,000 in excess of the entire appropriation asked for. This enormous increase of business has entailed a proportionate increase of labor and expense to the department.

The appropriation for stationery, printing, office supplies, etc., has been wholly inadequate of late years to meet the requirements of the board. Under this heading is included repairs to office fixtures and furniture, gas, and other expenses in addition to the books and printed forms required; and during the coming year it will be necessary to defray the cost of constructing closets for the preservation of the records of the department which were allowed to fall into a state of confusion under former boards.

A reference to the books of the department shows the amount of bills for stationery, printing, etc., audited and sent to your office for payment during the past year to have been $2,765.60. In this amount there is a bill of Martin B. Brown for $460.66 included, which was detained by the auditor as not coming strictly within the appropriation for the past year.

In addition to this sum there is a bill at present due Messrs. Clarke & Walter for $438.20, for blank books and stationery, printing, etc. with which to commence the business of the present fiscal year on the first of the present month.

If Brown's bill be excluded from the stationery account for the past year then Messrs. Clarke & Waller, not yet paid, must be added

thereto, which would make the amount expended under this heading $2,743.04 instead of $1,271.73, as stated in your letter.

As to the percentage of expense on the amount of license fees collected, the appropriation required for the year 1884–85 is ten per cent less than for the year 1877–78, and with the exception of last year, where the strain on the department was such as could not be maintained for another year without loss of revenue, it is the lowest on record at any previous period; it should also be remembered that the increase of revenue within the past year is about twenty per cent.

When the board of estimate and apportionment meets, I will make a statement going more into details, which I feel assured, will satisfy you that the business of this board is conducted with as much economy as is consistent with the public interests and the needs of the department.

Thanking you for the favor of your letter.

I remain, very respectfully,

N. HAUGHTON,
President of Excise Board.

Resolved, That in pursuance of the authority conferred upon the board of estimate and apportionment by the provisions of chapter 642 of the Laws of 1874, the sum of.....be and is hereby appropriated to the board of excise of the city of New York, to defray the necessary expenses of said board during the fiscal year 1884 and 1885, to be applied to the several objects and purposes, as follows, to wit:

For three commissioners ....
For counsel..... .....
For secretary and chief clerk ....
For cashier ....
For bookkeeper and stenographer..... .....
For treasurer's precinct license, application and record clerks, each $..... ....
For general inspectors, each $..... .....
For district inspectors, each $..... .....
For messengers, each $ ....
For janitress ....
For rent, as per lease ....
For stationery, printing, etc..... .....
For contingencies..... .....

Total ....

The comptroller presented the following:

CITY OF NEW YORK, FINANCE DEPARTMENT,
COMPTROLLER'S OFFICE, *May* 14, 1884.

To the Board of Estimate and Apportionment:

The comptroller, to whom was referred a communication, dated March 6, 1884, from the board of excise, asking for a special appropriation of seven hundred and five dollars ($705), to purchase books, stationery, etc., respectfully reports that in view of the fact that a judgment has already been obtained against the city for a portion of the amount of the appropaiation asked for, and that the balance is required for books and stationery, to be used for the fiscal year beginning on the first day of May, 1884, and, therefore, properly chargeable to the appropriation for that year, no further action seems to be necessary in regard to the special appropriation asked for by the board of excise.

Respectfully.

S. HASTINGS GRANT,
Comptroller.

Which was accepted by the following vote:

Affirmative—The mayor, comptroller, president of the board of aldermen and president of the department of taxes and assessments — 4.

N. Haughton, Esq., president of the board of excise, appeared before the board and made a statement relative to the estimate for said board of excise for 1884–85.

The president of the department of taxes and assessments offered the following resolution:

Resolved, That in pursuance of the authority conferred upon the board of estimate and apportionment by the provisions of chapter 642 of the Laws of 1874, the sum of forty-eight thousand eight hundred dollars ($48,800) is hereby fixed and appropriated from the moneys received into the treasury for excise licenses, as the amount necessary to pay the salaries of the commissioners of excise, the hire of employes, rent and other necessary expenses of the board of excise in the city of New York, from May 1, 1884 to May 1, 1885, as follows, to wit:

Three commissioners at $5,000 each	$15,000 00
Attorney and counsel fees	2,000 00
Secretary and chief clerk	2,500 00
Cashier	2,500 00
Bookkeeper and stenographer	2,000 00

Treasurer's, precinct, license, application, and record clerks, $1,500 each	$7,500 00
Ten district inspectors	10,500 00
Two messengers at $800 each	1,600 00
One janitress	600 00
Rent, (as per lease)	2,100 00
Stationery and printing	2,000 00
Contingencies	500 00
Total	$48,800 00

The comptroller offered the following resolution as a substitute:

Resolved, That the salaries of the three commissioners of excise be and they are hereby fixed at $5,000 each, for the fiscal year commencing May 1, 1884.

Which was adopted by the following vote:

Affirmative — The mayor, comptroller, president of the board of aldermen, and president of the department of taxes and assessments — 4.

The comptroller offered the following resolution:

Resolved, That in pursuance of the authority conferred upon the board of estimate and apportionment by the provisions of chapter 642 of the Laws of 1874, the sum of fifty-five thousand dollars ($55,000) be and hereby is appropriated and allowed to pay the salaries of the commissioners of excise and for the expenses of the board of excise for the fiscal year commencing May 1, 1884, of which amount $16,700 shall be appropriated for the pay of employes other than the counsel and inspectors, and $5,000 for rent, stationery, printing and contingencies.

The president of the board of aldermen moved to amend by substituting the sum of $60,000 for expenses of the board of excise, other than salaries of the commissioners.

Which was lost by the following vote:

Affirmative — The president of the board of aldermen — 1.

Negative — The mayor, comptroller and president of the department of taxes and assessments — 3.

The chairman moved to amend by substituting the sum of $71,000 for all expenses of the board of excise.

Which was lost by the following vote:

Affirmative — The mayor and president of the board of aldermen — 2.

Negative — The comptroller and president of the department of taxes and assessments — 2.

The question was then taken on the resolution offered by the comptroller.

Affirmative — The comptroller and president of the department of taxes and assessments — 2.

Negative — The mayor and president of the board of aldermen — 2.

The chairman moved that the whole subject be laid over until the next meeting. Which was agreed to.

The chairman moved that when the board adjourns, it do so to meet on Monday, May 19, 1884, at 10.30 o'clock A. M.

On motion the board adjourned.

THOMAS B. ASTEN,
Secretary.

BOARD OF ESTIMATE AND APPORTIONMENT.

MAYOR'S OFFICE, CITY HALL,
MONDAY, *May* 19, 1884 — 10.30 O'CLOCK, A. M.

The board met in pursuance of an adjournment.

Present, all the members, viz.: Franklin Edson, the mayor; S. Hastings Grant, the comptroller; Wm. P. Kirk, the president of the board of aldermen; Thos. B. Asten, the president of the department of taxes and assessments.

The minutes of the meeting held May 15, 1884, were read and approved.

The chairman presented a communication from Nicholas Haughton, Esq., president of the excise board, relating to the expenses, collections, etc., of the said board.

Which was received and ordered on file.

The comptroller offered the following resolution:

Resolved, That in pursuance of the authority conferred upon the board of estimate and apportionment by the provisions of chapter 642 of the Laws of 1874, the sum of seventy-one thousand dollars ($71,000) be and hereby is appropriated and allowed to pay the salaries of the commissioners of excise, and for the expenses of the board of excise, for the fiscal year commencing May 1, 1884.

Which was adopted by the following vote:

Affirmative — The mayor, comptroller and president of the board of aldermen — 3.

Negative — The president of the department of taxes and assessments — 1.

BOARD OF ESTIMATE AND APPORTIONMENT — MAY 15, 1885.

The revenues, expenditures and business methods of the excise department.

(Estimates for 1885–6.)

EXCISE DEPARTMENT,
NEW YORK, *May* 16, 1885.

To the Honorable the Board of Estimate and Apportionment:

GENTLEMEN. — The board of commissioners of excise hereby present their estimate for an appropriation to defray the expenses of the excise board during the year 1885–86.

The board deems the sum of $82,300 necessary for that purpose.

The amounts hereby asked for are as follows:

Three commissioners	$15,000 00
Counsel	5,000 00
Secretary and chief clerk	2,500 00
Cashier	2,000 00
Bookkeeper and stenographer	2,000 00
Treasurer's, license, precinct, application, record and general clerks ($1,500 each)	9,000 00
Three general inspectors ($1,500 each)	4,500 00
Thirty-four district inspectors ($1,000 each)	34,000 00
Two messengers ($800 each)	1,600 00
Janitress	600 00
Rent, as per lease	2,100 00
Stationery and printing	2,500 00
Contingencies, including purchase of new furniture and repairs of old	1,500 00
Total	$82,300 00

DUTIES OF THE BOARD.

The working of the excise department has been so persistently misrepresented, and consequently so much misunderstood, owing to the agitation constantly going on in reference to the liquor traffic, that the commissioners deem it proper to enter into a brief explanation of the system upon which the business is conducted, and to show how largely the revenues have been increased by the present board, in order to justify your honorable board in granting the slight increase of appropriation asked for in the estimates submitted for the coming year.

The duties devolving upon the excise commissioners, as clearly defined in the last annual message of his honor, the mayor, are of a two-fold character — to increase the revenues as far as the law will

permit, and at the same time to control the liquor traffic within the proper limits. The present board of commissioners, since assuming charge of the department in May, 1883, has kept these two objects distinctly in view, and has succeeded in raising the revenues during the past two years to the extent of over $146,000, without increasing the number of licensed houses in the city; while at the same time a vigorous and persistent crusade has been carried on by the board against houses of a disreputable character, thereby materially decreasing their number.

The first and most important duty of a public department is to place such safeguards around the funds intrusted to its care, as must render losses or defalcations impossible through either the negligence or dishonesty of the employes. How carefully the revenues of the excise department have been guarded by the present board, will be seen from a glance at the system of accounting adopted, which is so perfect that out of the entire sum collected since it was established, not a single dollar has been lost to the city.

THE SYSTEM OF ACCOUNTING.

At the close of each day's business, the money received for licenses is deposited in bank by the cashier, who is the only person connected with the department authorized to receive money, and a receipt from the bank for the money so deposited, together with the cashier's statement of the number of licenses issued, and the amount received therefor, is immediately filed with the secretary of the board, who is the executive head of the department. As the cashier receives the license fees during the day, he hands receipts to the dealers for the amount paid; and on the presentation of these receipts to the license clerk, the certificates of licenses are filed up, stamped and delivered.

The license clerk also files the daily report of the number of licenses issued by him with the secretary before leaving the department, showing the number of each grade taken out, and the gross amount received by the cashier. The secretary then compares the cashier's report with the return made by the license clerk, and also with the receipt from the bank for the amount deposited, and before leaving the office, enters the day's receipts on the minutes.

The department meets daily at 10 o'clock A. M., and the first business of the commissioners is to examine the reports of the cashier and the license clerk, and see that the gross receipts for the day previous corresponds with the amount lodged in bank to the credit of the department. This examination is made, each day, before the minutes of the previous day's proceedings are read and approved, or any other business is taken up by the board.

The treasurer's clerk receives the receipts given to the dealers by the cashier from the license clerk, and charges each amount received for licenses against the treasurer's account with the city chamberlain, to whom all moneys collected by the department are paid over regularly twice a month. Meanwhile the bookkeeper makes another set of entries, not from the reports and papers already examined, but from the original application papers on which the licenses were issued, which bear the signature of the commissioners as well as of the application clerk, the applicant and his bondsmen, and contain the sworn reports of the inspectors with an indorsement showing the grade of license issued and the fee paid therefor.

Safety of the Funds.

It will be seen therefore, that the system under which the business of the department is conducted is one of the most complete and perfect that can be devised. The adoption of this method by the board renders it impossible for a single dollar to be misappropriated without collusion between five of the most responsible employes of the department — the cashier, who is bound under heavy bonds for the faithful performance of his duties, the license clerk, the treasurer's clerk, the bookkeeper and the secretary.

In every other department of the board the same strict system of supervision and discipline is enforced. This is especially the case in reference to the staff of inspectors employed upon whose efficiency and promptitude in the discharge of their duties the revenues of the department, in a great measure, depend. The same care is exercised by the commissioners in the grading and granting of licenses, as must appear evident from the fact that the receipts have been so largely increased during the past two years by reducing the number of ale and beer licenses, for which the fee is thirty dollars, and increasing the number of saloon licenses, for which the fee is seventy-five dollars, while at the same time ten per cent of the applications made for licenses during the past twelve months were rejected.

Increase of Revenue.

Such is the efficiency of the system adopted by the present board, that the revenues of the past year, as well as for the year preceding it, were about 200 per cent over the receipts of the department for the year ending April 30, 1878, the present annual income from licenses being three times as large as it was seven years ago. For the year 1877–78 the revenues amounted to $206,235. The receipts for the past year amounted to $663,205, or $456,970 in excess of the revenue for that year.

The receipts for the year ending April 30, 1883, the year preceding the organization of the present board, were the largest recorded for the previous seven years, amounting to $517,195. Yet in the face of this creditable showing the present board of commissioners, by increased vigilance, raised the receipts to the extent of nearly $100,000, the revenue for the year ending April 30, 1884, amounting to $616,650.

At the close of the last fiscal year on the thirtieth of April, the receipts for the past twelve months have still further exceeded this amount to the extent of $46,555; and if the duties of the commissioners were confined exclusively to increasing the revenues of the department, over $60,000 more could have been added to the receipts, thus increasing the gross revenue for the past year over the preceding year to the extent of over $100,000, the board having rejected the applications of 898 persons, after careful investigation of the character of the applicants, on the ground that the granting of licenses to them would be "a menance to the peace and welfare of the community."

These results have been accomplished at a time when the department has been hampered and obstructed on every side by well meaning, but over zealous and ill informed citizens, who seem to regard the excise department as the source of all the ills and misfortunes that afflict humanity, in the face of the fact that it contributes over half a million dollars annually to the support of the charitable institutions of the city, and that the proceeding of the commissioners, as shown by the records of the department, clearly demonstrate that they have done more to suppress improper places of resort during the past two years than all other agencies in the city combined.

ECONOMY OF THE BOARD.

While the revenues of the department have been steadily increasing there has been no increase in the appropriation during the past four years. The enormous increase in the business of the board renders it necessary to ask for an appropriation of $82,300 to defray the expenses of the coming year. This sum is lower than the sum appropriated for the year 1880–81, when the revenue was over $200,000 less than at present. The estimates for the ensuing year are ten per cent less in proportion to the gross receipts of all the departments than the appropriation for the year ending April 30, 1878, and are lower, as compared with the collections, than on any previous occasion during the past seven years.

At no previous period was the business of the board conducted more systematically, the provisions of the excise laws so vigorously enforced, or the revenues of the department so large. This is due

mainly to increased vigilance on the part of the commissioners, and to the efficiency of the employés of the department, and it is for the purpose of maintaining this efficiency, and to enable the commissioners to prosecute the measures of reform which they have so successfully inaugurated that the increased appropriation asked for is required.

ESTIMATES FOR 1885–86.

Among the items by which the estimates are increased is $1,500 for an additional clerk in the office. As an illustration of the economy practiced by the board in the clerical department, it may be stated that during the past two years the amount of judicial work, aside from the regular business, performed by the commissioners in the trial of liquor dealers for violation of the excise law, exceeded the business of several of the district civil courts in the number and the extent of the investigations. The only additional expense incurred by these trials was the employment of a stenographer who also acts as bookkeeper, in either of which capacities his services are worth the salary paid.

The rest of the clerical work attendant upon these investigations devolved upon the secretary and other employés of the board who receive no compensation for the extra labor imposed upon them. To relieve this pressure of office work an additional clerk is required. The clerical force of the department is at present so inadequate that the secretary of the board is obliged during the busy seasons to remain in the office from half-past 8 o'clock in the morning until 6 in the evening, and often as late as 10 o'clock.

The salaries of four clerks filling responsible positions are increased from $1,200 to $1,500. These clerks perform onerous and responsible duties, and the commissioners believe it to be for the best interests of the department that the employés who have contributed by their efficiency to increase the revenues should receive fair compensation.

The salaries of the three general inspectors are increased from $1,200 to $1,500, and the salaries of the district inspectors are increased from $900 to $1,000. This is the principal item of increase in the estimates submitted, but in view of the extent to which the revenues have been increased by the efficiency of the inspector's department, it can not be regarded as any more than a trifling consideration.

Out of the $146,000 added to the revenues since the organization of the present board, a large amount is to be credited to the efficiency of this branch of the service. In proportion to the services rendered to the city the excise inspectors are the poorest paid officials in the public service, and should be allowed a salary of $1,200 a year.

THE GRADING OF LICENSES.

The figures of the department are so constantly misapplied through lack of sufficient knowledge of their intimate relation to other figures and results, that it is deemed necessary to give an illustration of the money value of the excise inspectors work to the city treasury. During the year ending April 30, 1883, the number of saloon keepers' licenses issued was 5,004, and the number of ale and beer licenses 3,281. The following year the saloon keepers' licenses were increased to 6,461, and the ale and beer licenses decreased to 2,271. The number of the first and second class hotel and wholesale dealers' licenses were also increased. By this change of grade, which was made on the basis of the sworn information contained in the inspectors' reports, the receipts were increased in a single year over $73,000, or nearly twice the salary list for the inspectors' department as given in the estimates for the ensuing year.

This system of grading has been continued during the past year, when the number of saloon keepers' licenses was still further increased to 7,733, and the ale and beer licenses decreased to 1,062, making a total increase in the number of saloon keepers' licenses during the past two years 2,729, and the total decrease in the number of ale and beer licenses issued during the same period 2,119.

The estimate of $2,500 for printing and stationery is the lowest that can be made consistent with the needs and increased business of the department. This includes the cost of a set of books and the necessary blanks and stationery with which to begin the business of the following year.

The contingent fund of $1,500 asked for is required for incidental expenses in prosecuting the work of reforming abuses in the liquor traffic, in which the present board has been engaged since its organization; and also for new furniture and repairs of old.

Every item of expense incurred by the excise commissioners, including rent, gas, fixtures, furniture, repairs, office supplies, stationery and printing, must be paid out of the annual appropriation made by this board from the funds collected by the department. Not a dollar is asked for in the estimates which can be dispensed with except by impairing the efficiency of the department and entailing a loss in the revenues.

REFORMS EFFECTED.

The liquor traffic of this city was never before so effectually under the control of the excise board. Unlicensed traffic, except in cases where the commissioners can not grant licenses, has almost entirely disappeared, the number of unlicensed houses, as shown by the last

reports of the district inspectors, being only eighty-six. The total number of licenses issued and paid for during the year ending April 30, 1884, was 9,507; the actual number of licenses in force at that time was 8,557.

The number of licenses issued during the past year was 9,402, being 105 less than for the preceding year, while the actual number of licensed houses in the city remains about the same.

An important portion of the work of the department since the board was organized consisted in weeding out houses of disreputable character. Several of the worst dens in the city have been entirely broken up, and the commissioners are steadily pursuing the task they have undertaken of protecting the legitimate dealers, and suppressing those resorts which have brought disgrace upon all engaged in the business.

The commissioners, therefore, believe that your honorable board will be acting in the best interests of reform and good government, as well as for the welfare of the charitable institutions of the city, by strengthening a department, which, under the most adverse circumstances, has furnished such unmistakable proof of its ability and efficiency by accomplishing the difficult task of increasing the revenues threefold, while at the same time curbing and controlling the liquor traffic more successfully than has ever been done at any previous period in the history of the city government.

Very respectfully.

N. HAUGHTON,
WILLIAM P. MITCHELL,
Commissioners.

The president of the board of aldermen moved that the communication be received and laid over for further consideration. Which was agreed to.

BOARD OF ESTIMATE AND APPORTIONMENT — JUNE 25, 1886.

The chairman presented the following:

OFFICE OF THE BOARD OF EXCISE,
No. 32 CHAMBERS STREET, NEW YORK, JUNE 25, 1886.

To the Board of Estimate and Apportionment:

GENTLEMEN.— The board of commissioners of excise estimate that the sum of $72,000 is necessary to defray the expenses of the board for the year ending April 30, 1887, and hereby respectfully request the appropriation of that amount from the "excise fund."

The estimate is detailed as follows:

Three commissioners	$15,000 00
Counsel	5,000 00
Secretary and chief clerk	2,500 00
Cashier	2,000 00
Bookkeeper and stenographer	2,000 00
Clerks	9,000 00
Inspectors	28,500 00
Messenger	800 00
Janitress	600 00
Rent	2,100 00
Stationery and printing	2,500 00
Contingent	2,000 00
Total	$72,000 00

Respectfully yours.

CHARLES H. WOODMAN,
WILLIAM S. ANDREWS,
JOHN VON GLAHN,
Commissioners.

Charles H. Woodman, president of the board of excise, appeared before the board and made a statement in explanation of the above estimate.

Whereupon the comptroller offered the following resolution:

Resolved, That in pursuance of the authority conferred upon the board of estimate and apportionment by chapter 642, Laws of 1873, the sum of $72,000 be and is hereby allowed and appropriated to pay the salaries of the commissioners of excise and the hire of employes, rent and other necessary expenses of the board of excise commissioners for the fiscal year commencing May 1, 1886.

Which was adopted by the following vote:

Affirmative — The mayor, comptroller, president of the board of aldermen and president of the department of taxes and assessments — 4.

BOARD OF ESTIMATE AND APPORTIONMENT. JUNE 15, 1887.

The comptroller offered the following resolution:

(Board of excise for the fiscal year, commencing May 1, 1887.)

Resolved, That in pursuance of the authority conferred upon the board of estimate and apportionment by chapter 642, Laws of 1873, the sum of one hundred and thirty-nine thousand nine hundred and four dollars ($139,904) be and is hereby allowed and appropriated to pay the salaries of the commissioners of excise for the fiscal year commencing May 1, 1887, and that the salaries of the three commissioners

and the employes of the excise board be fixed at the amounts and at the rates specified respectively against the positions in the following schedule:

	Annual salary.
C. H. Woodman, commissioner	$5,000 00
W. S. Andrews, commissioner	5,000 00
J. Von Glahn, commissioner	5,000 00
C. W. Dayton, counsel	5,000 00
A. E. Parkhurst, cashier	2,500 00
E. Beatus, assistant cashier	1,500 00
J. F. Quinn, stenographer	2,500 00
D. S. White, secretary	3,000 00
G. H. Gale, assistant secretary	2,000 00
E. M. Tomlinson, chief inspector	2,500 00
P. H. Hargrove, deputy chief inspector	1,800 00
C. E. Gildersleeve, general inspector	1,800 00
T. McWatters, special inspector	1,500 00
W. H. H. Abell, special inspector	1,500 00
C. W. Brandt, special inspector	1,500 00
P. J. Britt, special inspector	1,500 00
W. H. Lees, special inspector	1,500 00
J. Maxwell, special inspector	1,500 00
L. Pruyn, special inspector	1,500 00
H. Schroeter, special inspector	1,500 00
J. Tonmey, special inspector	1,500 00
J. Walker, special inspector	1,500 00
W. S. Yard, special inspector	1,500 00
W. Barry, inspector	1,200 00
J. Bennett, inspector	1,200 00
J. J. Cavanagh, inspector	1,200 00
J. G. Coffey, inspector	1,200 00
W. J. Connelly, inspector	1,200 00
L. Diebner, inspector	1,200 00
A. Govan, inspector	1,200 00
T. Hackett, inspector	1,200 00
J. J. Haher, inspector	1,200 00
J. Harford, inspector	1,200 00
A. R. Herrick, inspector	1,200 00
E. Kelly, inspector	1,200 00
P. J. Kelly, inspector	1,200 00
S. G. Koch, inspector	1,200 00
C. W. Kruger, inspector	1,200 00
D. G. Lithgow, inspector	1,200 00

	Annual salary.
P. Logan, inspector	$1,200 00
R. McCollough, inspector	1,200 00
P. J. Moriarty, inspector	1,200 00
J. F. O'Brien, inspector	1,200 00
J. O'Connor, inspector	1,200 00
M. O'Rourke, inspector	1,200 00
F. Redmond, inspector	1,200 00
E. F. Starin, inspector	1,200 00
R. Von Baar, inspector	1,200 00
R. B. Walsh, inspector	1,200 00
Additional inspectors, twenty-two, at $1,200 each	26,400 00
Special inspector	1,500 00
F. S. Leland, application clerk	1,500 00
Assistant application clerks, two, at $1,200 each	2,400 00
L. Aikle, record clerk	1,200 00
Engrossing clerk	1,200 00
G. B. Colby, law clerk	2,500 00
H. G. Dymond, janitress	800 00
Total salaries	$124,000 00
Less salaries, May and June, of new appointments	5,616 00
	$118,384 00

EXPENSES.

Rent	$2,520 00	
Stationery and printing	3,500 00	
Contingencies	2,500 00	
Alterations	1,500 00	
Furniture	1,500 00	
Detective service	10,000 00	
		21,520 00
Total		$139,904 00

Which was adopted by the following vote:

Affirmative — The mayor, comptroller, and president of the board of aldermen — 3.

Negative — The president of the department of taxes and assessments — 1.

The comptroller offered the following preamble and resolution:

WHEREAS, The board of excise submitted on June sixteenth a bill of Martin B. Brown, for stationery and printing furnished their predecessors after the appointment of the present commissioners; and

WHEREAS, The appropriation for the board of excise does not cover the amount of said bill, and it can not be paid therefrom;

Resolved, That the sum of four hundred and twenty-two dollars and eighty-seven cents ($422.87) be and is hereby allowed and appropriated from the excise fund, to pay the bill of Martin B. Brown, for printing and stationery furnished the board of excise during the period from May 3 to July 7, 1886, in addition to the appropriation made to pay salaries and expenses of the present board of excise for the fiscal year commencing May 1, 1886, pursuant to the authority conferred upon the board of estimate and apportionment by chapter 642 of the Laws of 1874.

Which was adopted by the following vote:

Affirmative — The comptroller, president of the board of aldermen and president of the department of taxes and assessments — 3.

And offered the following resolution:

Resolved, That the sum of four thousand and fifty-seven dollars and fourteen cents ($4,057.14) be and is hereby allowed and appropriated to be paid from the "excise fund," for the payment of the salaries of inspectors and clerks for services rendered to the old excise board of the city of New York, for two months and seven days from May 1, 1886, to July 7, 1886, and the comptroller is hereby authorized to pay the same, as a settlement in full of the claims of said inspectors and clerks, according to a statement thereof presented to the finance department.

Which was adopted by the following vote:

Affirmative — The mayor, comptroller, president of the board of aldermen and president of the department of taxes and assessments — 4.

BOARD OF ESTIMATE AND APPORTIONMENT — FEBRUARY 29, 1888.

The comptroller presented the following:

OFFICE OF THE BOARD OF EXCISE,
No. 54 BOND STREET, CORNER BOWERY,
NEW YORK, *February* 28, 1888.

HON. ABRAM S. HEWITT, *Mayor, Chairman Board of Estimate and Apportionment:*

SIR — The board of excise asks for the transfer of the sum of $6,500 from the amount appropriated for the salaries for the year ending April 30, 1888 (which is more than sufficient for that purpose), to the amounts appropriated for the following purposes (which are insufficient):

Furniture	$500 00
Stationery and printing	1,000 00
Detective service	5,000 00
Total	$6,500 00

The saving upon the amount appropriated for salaries, from which this transfer is asked to be made, up to the 1st of February, 1888, amounts to $9,831.75, and the total savings to be made for the fiscal year ending April 30, 1888, will be considerably in excess of that amount.

Respectfully.

CHARLES H. WOODMAN,
President.

And offered the following resolution:

Resolved, That the sum of six thousand five hundred dollars ($6,500) be and is hereby transferred from the appropriations to the board of excise for the year ending April 30, 1888, for "salaries," which is in excess of the amount required for the purpose thereof, to the following appropriations for the same year, which are insufficient for the purposes thereof, to wit:

Furniture	$500 00
Stationery and printing	1,000 00
Detective service	5,000 00
Total	$6,500 00

Which was adopted by the following vote:

Affirmative — The mayor, comptroller and president of the board of aldermen — 3.

Negative — The president of the department of taxes and assessments — 1.

On motion the board adjourned.

M. COLEMAN,
Secretary.

JUNE 22, 1888.

The president of the department of taxes and assessments moved that action upon the estimate for 1888–89 for the board of excise be deferred until the next meeting of this board, which was agreed to.

The comptroller offered the following resolution:

Resolved, That the sum of twenty-four thousand dollars ($24,000) be and is hereby appropriated for the payment of the salaries of the commissioners of excise and employes of the excise board, on the basis of the present pay-rolls, for the months of May and June, 1888, and other necessary expenses of the board.

Which was adopted by the following vote:

Affirmative — The mayor, comptroller, president of the board of aldermen and president of the department of taxes and assessments — 4.

I am, therefore, of the opinion, and advise you, that it is the duty of the board of estimate and apportionment to fix such amount as may be necessary for the hire of employes, rent and other necessary expenses of the excise board, by one act for the entire year, as heretofore practiced.

I am, sir, yours respectfully.

HENRY R. BEEKMAN,

Counsel to the Corporation.

The president of the board of aldermen moved that the matter be laid over until the next meeting.

Which was lost by the following vote:

Affirmative — The president of the board of aldermen and president of the department of taxes and assessments — 2.

Negative — The mayor and comptroller — 2.

Whereupon the comptroller offered the following resolution:

Whereas, The sum of forty-eight thousand dollars ($48,000) has been heretofore appropriated for the salaries and expenses of the board of excise for the fiscal year commencing May 1, 1888, to wit.:

June 28, for May and June	$24,000 00
July 12, for July	12,000 00
September 4, for August	12,000 00
Total	$48,000 00

And, Whereas, At a meeting of this board held on May 28, 1888, an estimate of the board of excise for said fiscal year was presented, amounting to one hundred and sixty-three thousand dollars ($163,000);

Resolved, That pursuant to the provisions of chapter 642, Laws of 1874, conferring authority upon the board of estimate and apportionment, the sum of one hundred and forty-four thousand dollars ($144,000) be and is hereby allowed and appropriated to pay the salaries of the commissioners of excise and the hire of employes, rent and other necessary expenses of the board of excise commissioners for the fiscal year commencing May 1, 1888, said sum being inclusive of the sum of forty-eight thousand dollars ($48,000) heretofore appropriated for this purpose, the salary of the commissioners of excise being hereby fixed at five thousand dollars ($5,000) each, and the amount deemed necessary for the hire of employes, rent and other expenses, being also hereby fixed at one hundred and twenty-nine thousand dollars ($129,000) for the fiscal year commencing May 1, 1888.

The president of the board of aldermen moved to amend the said preamble and resolution by striking out the words "employes, rent and other necessary expenses of the board of excise commissioners," and substituting in lieu thereof the words "secretary, chief clerk, cashier, assistant cashier, bookkeeper, stenographer, clerks, inspectors, cleaning, janitress, rent, stationery and printing."

Which was lost by the following vote:

Affirmative — The president of the board of aldermen and president of the department of taxes and assessments — 2.

Negative — The mayor and comptroller — 2.

The question was then taken on the original preamble and resolution.

Which was adopted by the following vote:

Affirmative — The mayor, comptroller and president of the department of taxes and assessments — 3.

Negative — The president of the board of aldermen — 1.

The president of the department of taxes and assessments presented the following:

I am still of the same opinion as I was last year, when I was the only member of the board of estimate and apportionment who voted against the increased appropriation of $140,000.

I regret that I cannot agree with the views of the commissioners of this department for a still further increase, as I have the highest regard for President Woodman and Commissioner Von Glahn (and I know that no public officials give more of their time and attention to the interests of the city than they). After careful examination, I cannot see the necessity for the increase asked for.

There are, doubtless, those who cover over, by a license to sell liquor, some far worse business, and who need careful watching, but there are thousands of good citizens who keep hotels, cafés restaurants and saloons, who watch and control their business in a good, legal and moral way, and to annoy such citizens with an obnoxious detective service and compel them to submit to the arbitrary rules laid down (and, no doubt, necessary for the control of the worst classes engaged in the liquor business) is an unjust and an unnecessary expense.

The argument put forth that the sum should be allowed because it does not come out of the taxpayers directly, is a fallacy. It is city money and should be protected, and as wisely spent as any other.

While it was wrong, in my opinion, to start such an expensive plan last year, it would, at this time, probably cripple the department, to reduce the appropriation from the figures of last year, but I feel assured that the commissioners can, if they so desire, reduce the

expenses of their department without injury to its service of efficiency.

It is a shame that the city should be required to pay two sets of police and detectives, and to admit that the police can not be depended upon to do this work, which is clearly their duty.

MICHAEL COLEMAN.

Which was received and read.

BOARD OF ESTIMATE AND APPORTIONMENT — JUNE 12, 1889.

The comptroller presented the following:

OFFICE OF THE BOARD OF EXCISE,
No. 54 BOND STREET, CORNER BOWERY,
NEW YORK, *June* 4, 1889.

Hon. HUGH J. GRANT, *Chairman Board of Estimate and Apportionment:*

SIR.—The board of commissioners of excise estimate that the sum of $143,700 is necessary to defray the expenses of a proper and efficient administration of their office for the year ending April 30, 1890, and hereby respectfully request the appropriation of that amount from the "excise fund."

The estimate in detail is as follows:

Three commissioners	$15,000 00
Counsel	5,000 00
Secretary and chief clerk	3,000 00
Assistant secretary	2,000 00
Cashier	3,000 00
Assistant cashier	1,800 00
Stenographer	2,500 00
Law clerk	2,500 00
Application clerk	2,000 00
Two assistant application clerks ($1,200 each)	2,400 00
Record clerk	1,200 00
Engrossing clerk	1,500 00
Chief inspector	2,500 00
Deputy chief inspector	1,800 00
Two general inspectors ($1,800 each)	3,600 00
Twelve special inspectors ($1,500 each)	18,000 00
Forty-nine inspectors ($1,200 each)	58,800 00
Cleaner	800 00
Rent	3,300 00
Stationery and printing	4,000 00

Contingencies	$8,000 00
Legal expenses	1,000 00
Total	$143,700 00

Respectfully.

ALEX MEAKIN,
E. T. FITZPATRICK,
JOSEPH KOCH,
Commissioners of Excise.

To the Board of Excise:

GENTLEMEN.—I would respectfully suggest that the board ask the board of estimate and apportionment for an appropriation of one thousand dollars ($1,000) for "legal expenses," for the following reasons:

First. There are twelve (12) cases pending in which costs may be awarded against the board.

Second. There will probably be opinions filed in these cases, and the board should have official copies of the same.

Third. There may be subpœnas to be served, which would require witness fees to be paid in order to punish the party served for contempt for not appearing or testifying.

Fourth. There may be law books purchased for the use of counsel in the proper discharge of his duties, as also the commissioners themselves.

Fifth. There may be opinions rendered in cases which effect the excise laws, and the board in such cases should have an official copy of the same.

Sixth. Counsel and his assistant may be obliged to go to the Court of Appeals, and their expenses should be provided for.

Seventh. In the Kruse case there is a judgment against the board of excise for ninety dollars and thirty-seven cents.

EDW. BOURNE,
Counsel.

May 29, 1889.

And offered the folowing preamble and resolution:

WHEREAS, By chapter 642 of the Laws of 1874, the board of estimate and apportionment is authorized and directed to annually fix such amount as may be necessary for hire of employes, rent and other necessary expenses of the board of commissioners of excise, which amount, together with the salaries of the commissioners, not exceeding $5,000 each, shall be paid out of the moneys received for licenses; and,

WHEREAS, The board of commissioners of excise have submitted an estimate of the sum of $143,700 as the amount necessary to defray the expenses of a proper and efficient administration of their office for the year ending April 30, 1890.

Resolved, That the sum of one hundred and forty-three thousand seven hundred dollars ($143,700) be and is hereby allowed and appropriated to pay the salaries of the three commissioners of excise, fixed at $5,000 per annum each, and the hire of employes, rent, legal expenses, and other necessary expenses for and during the fiscal year of said board, commencing May 1, 1889, the amount of which expenses of said board is hereby fixed at the sum of one hundred and twenty-eight thousand seven hundred dollars ($128,700) for and during the fiscal year, as follows:

Three commissioners	$15,000 00
Counsel	5,000 00
Secretary and chief clerk	3,000 00
Assistant secretary	2,000 00
Cashier	3,000 00
Assistant cashier	1,800 00
Stenographer	2,500 00
Law clerk	2,500 00
Application clerk	2,000 00
Two assistant application clerks ($1,200 each)	2,400 00
Record clerk	1,200 00
Engrossing clerk	1,500 00
Chief inspector	2,500 00
Deputy chief inspector	1,800 00
Two general inspectors ($1,800 each)	3,600 00
Twelve special inspectors ($1,500 each)	18,000 00
Forty-nine inspectors ($1,200 each)	58,800 00
Cleaner	800 00
Rent	3,300 00
Stationery and printing	4,000 00
Contingencies	8,000 00
Legal expenses	1,000 00
Total	$143,700 00

Which were adopted by the following vote:

Affirmative — The mayor, comptroller, president of the board of aldermen and president of the board of taxes and assessments — 4.

EXHIBIT No. 3—May 23, 1890.

Indicted Excise Cases.

Date.	NAME.	Place of business.
1889.		
November 18	Fitzpatrick, Patrick	701 Third avenue.
December 11	Taylor, George H	2406 Eighth avenue.
November 20	Gibbons, James	68 Bayard street.
May 20	Banmann, Henry	1051 Tenth avenue.
November 15	Blakely, John	520 Sixth avenue.
November 21	Sullivan, Thomas	472 Pearl street.
November 21	Rogers, John	281 Seventh avenue.
August 29	Drew, George	28 Bowery.
May 20	Breen, John	10th avenue and 181st street.
November 8	Livingston, Charles	429 Sixth avenue.
May 23	Holexa, John	1371 First avenue.
November 18	Finnegan, Thomas	409 East Fifteenth street.
October 11	Moyna, Thomas	524 Ninth avenue.
September 9	Murphy, Patrick	418 Eighth avenue.
June 20	Rusch, Herman	188 Sixth avenue.
June 20	Quinn, Alexander	110 Third avenue.
May 17	Lapp, Valentine	40 Spring street.
November 15	Bergin, Patrick	348 Cherry street.
November 21	Salman, John	239 Seventh avenue.
November 14	Malcomson, Thomas	1323 First avenue.
June 10	Belford, John	118 East Sixty-third street.
November 21	Lyons, Thomas	822 Second avenue.
November 14	Strong, Joseph F	142 Third avenue.
November 22	Garlson, Frederick	531 Eleventh avenue.

December	18	Anderson, Lawrence	102½ Cherry streeet.
June	20	Schoner, Robert	103 West Fourteenth street.
November	21	Meyer, Melchior	428 East Eighty-second street.
November	21	Fuggazi, Antonio	113 Sullivan street.
1890.			
January	27	Meyer, Herrman	270 South street.
March	28	Nolan, James J	216 East Fifty-ninth street.
January	28	Shields, Henry F	298 Hudson street.
April	16	McBride, Philip	33 Third avenue.
January	22	Van Kirk, William	154th street and McComb's Dam lane.
January	23	Breen, John	2349 Eighth avenue.
May	6	Walsh, Maurice	245 Monroe street.
January	27	Lynch, Matthew F	1981 Third avenue.
February	7	Cavanagh, Patrick	370 Broome street.
January	29	Donoghue, Timothy	399 Greenwich street.
May	13	Moran, Frank	403 Eighth avenue.
April	15	Forster, Paul	225 East Seventy-fifth street.
April	29	Sparks, Walter S	2285 Third avenue.
January	14	Brauns, George	1929 Third avenue.
January	28	Gillan, Dennis	2177 Second avenue.
January	14	Gillen, Joseph F	188 Third avenue.
January	29	Reynolds, John F	1213 Third avenue.
January	27	McGuire, Thomas J	Cor. St. Nicholas avenue and 111th street.
February	14	McManus, Thomas	East river between 102d and 103d streets.
January	29	Dalton, Andrew J	West cor. Kingsbridge road and Barrian avenue.
January	29	Reynolds, John	64 West Third street.
January	28	Dexheimer, Charles B	101 West Ninety-fifth street.
February	14	Clancey, Lawrence	1996 Second avenue.
January	28	Cosgrove, John S	2259 Tenth avenue.

EXHIBIT No. 3 — INDICTED EXCISE CASES — (*Continued*).

Date.	NAME.	Place of business.
1890.		
January 27	Leslie, Harry S	2299 Fourth avenue.
March 10	Benz, Bernard	155th street between 8th and 9th avenues.
January 22	Graf, Edward	Foot 155th street and Eighth avenue.
January 14	Lundyken, Charles	8456 Second avenue.
January 10	Hirschl, Alois	20 Second street.
April 10	Hubert, Jacob	390 West street.
January 29	Newell, Samuel	Northwest corner Sedgwick avenue and Depot place.
January 15	Heitmann, George	69 Ludlow street.
May 23	Daly, John H	112 Sixth avenue.
February 10	Meister, Henry	257 East Third street.
January 27	Masterson, Patrick	2027 Third avenue.
February 7	McElroy, James	2480 Second avenue.
March 27	McEnroe, Mary	Cor. Main and Samuel sts., West Farms.
January 29	O'Brien, Charles J	Depot place, High Bridge.
April 15	Wagner, Leonhard	301 Third avenue.
January 15	Harvey, Philip J	2020 Third avenue.
January 28	Barry, John	57 South Washington square.
March 27	Krumm, Charles	165 and 167 Chrystie street.
May 14	Simsons, John S	274 West street.
March 25	Rusco, Tony	28 Mulberry street.
January 15	Bernhardt, Martin	504 Sixth avenue.
January 29	Keegan, James	261 Third avenue.
April 29	Read, William	84 Fourth avenue.
January 29	Frank, Gottfried	371 West 125th street.

January	15	Cassidy, Michael	700 Second avenue.
January	23	Heibendahl, Emil	2269 Eighth avenue.
January	20	Vorrath, Theodore	2534 Eighth avenue.
January	14	Koch, Frederick	107 Canal street.
January	28	Sweeney, Michael	685 Second avenue.
January	27	Buttell, John	503 East 133d street.
January	9	Murray, John	1879 Second avenue.
March	28	Farming, Thomas	Northeast corner Railroad avenue and One Hundred and Seventieth street.
March	7	Foley, Michael	438 East Thirteenth street.

EXHIBIT No. 4 — MAY 23.

INDICTED EXCISE CASES — KEEPING OPEN ON SUNDAY.

Date.	NAME.	Place of business.
1889.		
December 23	Goerlt, Pane	170 Ludlow street.
December 16	Gabraiel, Charles	833 Washington street.
December 30	Graham, Christian	5 Laight street.
December 30	Galibaldi, Charles	175 Bleecker street.
December 30	Grab, Arnold	883 South Fifth avenue.
December 1	Gutaroff, Adam	138 East Seventh street.
May 27	Ginochie, Constantine	84 Sullivan street.
May 2	Glass, Jacob	44 Avenue C.
May 6	Gaoican, Thomas	1350 Eighth avenue.
May 13	Garlich, William D	144 East Fifty-ninth street.
July 21	Gorman, William	65 Thompson street.
July 15	Geiger, Bernhard	2491 Third avenue.
July 1	Goggin, Daniel	89 Baxter street.
July 1	Griffin, Bernhard	301 Madison street.
July 29	George, Anthony	9 Varick place.
July 29	Green, Sidney	458 Eighth avenue.
September 16	Gooden, Edw	Kyles Park, Kingsbridge.
October 7	Gutbub, Henry	176 Monroe street.
June 23	Grirdano, Rafalo	167 Mulberry street.
June 23	Glattstein, Marcus	40 Pitt street.
October 14	Gorman, William	65 Thompson street.
October 28	Gebhart, George	234 Seventh avenue.
October 13	Greenbury, Ignatz	343 East Twenty-seventh street.

August	5	Griffin, Patrick	299 Madison street.
August	5	Goodness, Theodore	519 Sixth avenue.
August	25	Goody, Edw.	682 Second avenue.
November	11	Goodwin, James	356 Bowery.
August	12	Gerkin, Fredrick	531 Eleventh avenue.
August	13	Gallager, William	153 Bleecker street.
August	18	Bullman, Charles	323 West Forty-first street.
June	3	Blake, Christopher	142 East avenue.
June	3	Beeman, Valentine	83 First avenue.
June	9	Barry, James E	434 Third avenue.
October	7	Biegler, Carl	105 Stanton street.
October	7	Brucullare, John	407 Canal street.
December	16	Boswell, John	255 Tenth street.
October	21	Black, Paul	642 Fifth street.
December	16	Brignolli, Joseph	2 South Fifth avenue.
October	21	Bredehorst, Charles	182 Eleventh avenue.
October	27	Branson, Solomon	44 Orchard street.
November	4	Brown, Robert	8389 Third avenue.
August	25	Betrice, Antonio	2135 First avenue.
August	11	Behrnes, Henry	20 Delancey street.
October	13	Bisswager, Andreas	1394 Second avenue.
October	28	Bortoluzzo, Achille	203 Elizabeth street.
October	28	Baer, Fannie	155 Attorney street.
August	12	Blacken, Henry	116 Sheriff street.
August	12	Becker, Peter	81 Essex street.
November	10	Behan, James	14 Prince street.
November	25	Bauer, Frederick	377 Seventh avenue.
September	8	Butler, Matthew	184 and 186 Park row.
September	8	Beuich, Richard	196 Henry street.
September	2	Butsch, Gottleib	106 Eighth avenue.
September	2	Barrett, John	18 Spring street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.	NAME.	Place of business.
1889.		
September 1	Brady, Patrick	1361 First avenue.
June 9	Beuetchup, Frank	54 Rivington street.
November 24	Betterlee, Joseph N	57 McDougal street.
November 24	Boyle, Jno. F	522 East avenue.
December 4	Ginner, Robert	7 Delancey street.
December 4	George, Nicholas	67 East Houston street.
December 18	Gardiner, Albert	126 Crosby street.
October 21	Hoefer, Louis	414 Sixth avenue.
November 18	Hyland, John	23 West street.
September 16	Hoffman, Joseph	15 Stanton street.
September 16	Haje, Henry	503 East 133d street.
September 22	Hurson, Bernard	64 West Third street.
September 30	Hartman, Charles	608 East 152d street.
September 9	Halpin, Patrick	824 Etton avenue.
September 30	Hubar, Elizabeth	1345 Second avenue.
October 7	Hagan, Felix	279 Tenth avenue.
October 7	Honck, John	456 Pearl street.
October 7	Haughton, Ed	338 West Twenty-sixth street.
October 7	Hoyes, John	88 Ninth avenue.
September 1	Hahn, Peter	428 East Thirteenth street.
October 21	Heuschen, Henry	548 West Forty-first street.
June 10	Hauer, Frederick	24 Market street.
June 16	Hines, Michael	15 Bowery.
June 17	Hendricks, William	56 Rutger street.
June 17	Hellerick, Charles F	442 East Seventy-eighth street.

June	9	Harper, Patrick	228 East Forty-first street.
June	3	Hoffmann, Philip	679 Courtland avenue.
June	3	Holtemann, Herman	4 Sixth avenue.
June	3	Haller, Charles	163 East Fifty-third street.
May	26	Hunt, James	57 McDougal street.
May	26	Haysman, Samuel	302 Delaney street.
May	13	Hutchinson, Andrew	73 Allen street.
May	6	Heckner, Charles	263 Stanton street.
May	12	Harnsworth, John	245 Monroe street.
May	13	Hattgreur, Henry	651 Hudson street.
July	15	Heeve, Canton	200 Eleventh avenue.
July	15	Hubal, Aliso	321 East Fifty-fourth street.
June	10	Hink, John	456 Pearl street.
July	8	Howard, William	142 Bleecker street.
July	8	Hook, Benjamin	16 Clinton place.
July	8	Haup, Maggie	292 Broome street.
July	29	Hunt, William	487 Canal street.
June	10	Hassinger, Charles	263 Stanton street.
July	22	Healy, Jeremiah	341 West Fortieth street.
July	22	Harley, John	281 Eleventh avenue.
December	30	Heller, George	146 Orchard street.
December	9	Hoetzel, Henry	408 West Forty-second street.
October	13	Horn, Joseph	312 East Sixtieth street.
October	13	Hilton, Patrick	229 East Forty-seventh street.
November	11	Herneke, Henry	221 Eleventh avenue.
November	11	Huges, John	167 Tenth avenue.
November	4	Hackman, Adam	279 Avenue C.
November	25	Hubar, William	1345 Second avenue.
November	25	Hughes, John	330 West Sixteenth street.
December	6	Horn, Charles	284 Ninth avenue.
December	16	Healy, John T	97 Elizabeth street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
December 16	Hess, Aug	651 Fifth avenue.
December 9	Hanthorn, William	14 Duane street.
December 9	Huter, Evnot	820 Courtland avenue.
December 15	Hepburn, James	1 3 Tenth avenue.
December 15	Hasselbuck, John	114 Stanton street.
December 9	Finnegan, John	323 East Forty-eighth street.
December 9	Fischer, Julius	207 Forsyth street.
December 9	Fheidhoff, August	994 Second avenue.
August 18	Faltermann, Philip	525 Ninth avenue.
August 19	Fullen, Joseph	3721 Third avenue.
December 16	Feid, George	106 Third street.
August 19	Freese, Henry D	92 Park place.
August 12	Frank, Franz	535 Sixth street.
August 26	Falk, Dominick	406 Seventh avenue.
August 12	Frederick, Gustav	869 Second avenue.
November 11	Freichrichson, Carl	61 Forsyth avenue.
November 11	Foster, George F	130 Seventh avenue
September 16	Farley, John	321 West Fourth street.
September 22	Flannery, Patrick	2119 First avenue.
September 30	Flynn, Patrick	1004 Second avenue.
September 30	Fields, William	4 Sixth avenue.
September 30	Franz, George	231 East Forty-sixth street.
October 6	Faley, Daniel	676 Third avenue.
October 14	Freund, Adolph	729 East 177th street.
October 24	Fritschlo, Emil	20 Stanton street.

October	13	Fletcher, Francis	56 East Houston street.
August	5	Fussia, Peter	885 Second avenue.
August	5	Fauth, Michael	504 East Fourteenth street.
August	5	Farrelly, Owen	519 Second avenue.
August	26	Falk, William	South side 170th st., 200 ft. east of 10th av.
August	26	Frazer, Sigmund	1678 First avenue.
December	2	Fish, Michael	11 West Fourth street.
December	9	Fortinato, Antonio	141 Mott street.
December	30	Ficken, Martin	468 Fourth avenue.
October	6	McCann, Patrick	340 West Tenth street.
December	2	McCauley, Michael	334 East Thirty-ninth street.
September	16	Mara, William	108 Chrystie street.
December	8	Marene, George	31 West Third street.
December	23	Malatesta, Ginditta	106 Thompson street.
December	22	Madralla, Ettenie	192 Bleecker street.
December	30	McQuillian, James	702 Greenwich street.
December	30	Meyer, William	340 West Forty-first street.
December	30	Miller, William	517 West Twenty-fourth street.
December	8	Mullins, J. J	67 Market street.
December	15	Malcomson, ———	216 East Fifty-ninth street.
December	9	Meyer, William	69 Ludlow street.
October	21	McGuire, John	72 Oliver street.
October	27	Moraretez, Joseph	1458 First avenue.
October	14	McElroy, Thomas	170 Seventh avenue.
October	14	McCaffrey, Thomas	1045 Second avenue.
October	21	McHugh, John	599 Washington street.
June	10	Muller, John	749 Tenth avenue.
June	16	Muller, Henry	1329 Second avenue.
September	2	Misselin, Francis	58 West Third street.
June	23	Mills, Ralph	372 Sixth avenue.
June	23	Menken, Jacob	25 Monroe street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
June 24	McFadden, Edward	316 West Forty-second street.
June 5	Murphy, Michael	437 Eleventh avenue.
September 2	McGuire, John	521 Canal street.
October 28	McCue, Myles	2486 Third avenue.
October 13	McQuillan, John	702 Greenwich street.
July 21	McKenna, John	41 Bowery.
October 13	Meyer, Frank	1120 Third avenue.
September 9	Mara, James	442 Second avenue.
September 30	Marcus, Samuel	1037 Third avenue.
September 30	McKeon, William	692 Eleventh avenue.
September 30	McCarty, Cornelius	902 Eleventh avenue.
September 8	McKenna, Patrick	172 Varick street.
September 2	McNeill, William G	458 Second avenue.
June 2	Mulligan, James	686 Second avenue.
September 8	Manfried, Maria	105 Thompson street.
September 8	Mankin, James F	20 Bowery.
September 9	McNally, Paul	Northeast cor. 10th ave. and 181st street.
September 9	McCaughey, James	153 Tenth avenue.
September 9	Mathesuis, George	16 Clinton place.
September 15	McElhill, Michael	85 Ninth avenue.
September 16	McDermott, James	116 Tenth avenue.
September 16	Muller, Francis	157 First avenue.
July 15	Morhman, Charles	6 Union square.
June 10	McFadden, John	415 East Thirty-fourth street.
July 22	McMurray, John	209 Seventh avenue.

July	22	McGorry, Daniel	2422 Third avenue.
December	23	Mayer, Charles	153 West Twenty-seventh street.
December	23	Muller, Henry	3165 Third avenue.
May	20	Maher, John	532 West Thirtieth street.
August	25	Mauzers, John	81 Division street.
August	12	McKeon, P. H	600 East 144th street.
October	21	McMahon, Peter	341 Seventh avenue.
October	21	Mohr, John	532 West Thirtieth street.
December	2	Muller, Louis	126 West Nineteenth street.
May	19	Mayer, F. M	441 Ninth avenue.
July	14	Meyers, Augustus	780 Seventh avenue.
November	10	Martz, T. F	475 Pearl street.
August	4	McCarty, Cornelius	80 Henry street.
November	17	McManus, Terrence	132 Seventh avenue.
August	18	McAlice, Philip	11 James street.
August	4	Monilelli, Anthony	14 Roosevelt street.
August	25	McIntyre, Patrick	640 Morris avenue.
November	3	McCoukey, Edward	216 East Fifty-ninth street.
November	3	Merdian, Rudolph	811 Elton avenue.
November	24	McCake, Francis	444 West Twenty-eighth street.
November	17	Miller, Xavier	277 Seventh avenue.
November	17	McCormack, Ralph	426 West Thirty-first street.
September	15	Meier, John	151 Broome street.
November	3	Moor, Ira	53 Lewis street.
June	3	McAlice, Philips	11 James street.
September	16	Mechlec, Jacob	624 Tenth avenue.
August	19	Maudt, Henry	36 Pitt street.
August	26	McCronin, Thomas	27 Ninth avenue.
June	17	Maher, Michael	59 East Houston street.
June	10	Metzradt, Haus	1187 Third avenue.
June	17	McMorrow, Andrew	1187 Third avenue.

EXHIBIT No. 4—INDICTED EXCISE CASES, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1889.		
July 15	Miller, Philip	215 East Fourth street.
August 11	McElvaney, James	767 Second avenue.
August 11	McKenna, John	41 Bowery.
August 11	McKenna, Frank	240 First avenue.
August 5	Mohan, J. J	410 College avenue.
November 11	McCarty, Frank J	456 Hudson street.
May 26	Katt, Dietrich	14 Corlear street.
September 12	Kander, Julius	170 Orchard street.
September 11	Krugers, John H	523 Third avenue.
September 1	Khare, John H	1374 First avenue.
September 1	Krakaur, Henry	113 Delancey street.
June 9	Kuhu, Tobias	436 West Thirty-eighth street.
July 29	Kiernan, Peter	546 West Forty-ninth street.
July 20	Kenny, Edward J	442 East One Hundred and Fiftieth street.
July 29	Karl, John, Jr	Vedecliffe avenue (High Bridge).
July 1	Kuhlenan, John	57 Avenue D.
June 2	Kassel, Ferdinand	928 Second avenue.
June 2	Kelly, Stephen	78 Cortland street.
May 6	Kufe, William	76 Tenth avenue.
May 26	Kamps, John F	127 Crosby street.
May 20	Kaufman, Philip	257 Seventh avenue.
May 20	Koster, John D	41 Rose street.
July 15	Kreamer, Philip	21 North Moore street.
July 29	Kriete, Henry	792 Eighth avenue.
September 9	Kraus, Emil	464 Brook avenue.

September 15	Kaskell, James	295 Third avenue.
September 16	Klojes, Michael	190 Elizabeth street.
October 7	Kohlman, Otto	276 Delancey street.
August 5	Kohlman, Otto	833 Washington avenue.
October 27	Kline, William	337 Rivington street.
October 6	Kriete, Henry	1102 Second avenue.
October 21	Kurtz, John	123 Bleecker street.
October 7	Keine, Hermann	258 Eighth avenue.
October 7	Karst, Frank	711 Courtland avenue.
December 9	Kevelan, Michael F	295 Third avenue.
December 2	Kinsella, James	316 West Forty-second street.
October 28	Kohn, Fritz	347 West Thirty-eighth street.
October 14	Knippel, George	133 Orchard street.
August 5	Kleine, William	1429 First avenue.
August 19	Kenney, Edward	105 Clinton place.
August 11	Kennedy, Michael	3229 Third avenue.
August 12	Kesset, Gustave J	Eighth avenue and 154th street.
August 12	Klein, William	337 Rivington street.
August 26	Kahl, Gustav	142 Ludlow street.
November 17	Krauss, Philip	644 Courtland avenue.
October 14	Kruwett, John	145th street and South Boulevard.
November 18	Keinn, Valentine	137 Attorney street.
November 25	Klein, William	177 East Houston street.
November 10	Kammon, Anton	Courtland avenue and 161st street.
December 2	Kempt, Frank	36 Delancey street.
June 24	Kane, James	92 Folk avenue.
June 24	Kneher, Jacob	101 Essex street.
June 24	Kelly, John	621 First avenue.
June 17	Kortjohn, Louis C.	353 East Fifty-eighth street.
July 22	Kroehling, Leonard	86 Willitt street.
July 22	Kenny, Edward	105 Clinton place.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
July 22	Kisherer, John	South side 147th street.
July 28	Kleinman, Samuel	161 Broome street.
July 28	Klenn, August	250 Fourth avenue.
July 28	Kramer, Frederick	100 Delancey street.
July 22	Kelley, Joseph	50 West Broadway.
June 2	Kluhemeyer, Dietrich	177 Chrystie street.
July 29	Kerls, Julius	23 East Seventeenth street.
July 21	Kelly, John	134 Cherry street.
April 11	Powers, Thomas	220 West Eighteenth street.
August 11	Peterson, Ernst	98 Avenue C.
August 26	Peters, Lawrence	326 Henry street.
December 30	Perkins, Thomas	313 Canal street.
December 22	Palmer, John	218 Hudson street.
September 8	Pickens, Thomas	519 Second avenue.
October 7	Pragge Frederick	320 Eighth avenue.
October 11	Peters, Lorenz	326 Henry street.
April 8	Pfifer, Charles	130 Pitt street.
May 26	Pflerckerer, Christian	84 Delancey street.
May 27	Posner, Simon	177 Clinton street.
May 20	Plass, Edward	781 Seventh avenue.
May 13	Purcell, Michael	335 West Forty-first street.
July 22	Pundt, Henry	27 Thompson street.
July 22	Pfan, Lee	520 Sixth avenue.
July 22	Page, William	251 Water street.
July 22	Pfeifer, Francis	364 Water street.

June	16	Pfeinder, Conrad	672 Eleventh avenue.
August	19	Scanlon, Charles	631 Sixth avenue.
September	2	Deinnia, Charles	323 Ninth avenue.
September	8	Deery, Edward F	110 Madison street.
September	9	Drake, Frank	54 Grand street.
September	9	Druman, Andrew	242 Spring street.
September	9	Dugan, Michael	134 Seventh avenue.
September	15	Dwyer, Thomas	1050 Tenth avenue.
September	15	Dault, Frederick	207 East Houston street.
September	23	Denwing, William	559 West Thirty-second street.
September	30	Dowling, Joseph M	288 First avenue.
September	30	Duff, Dominick	620 Strauss avenue.
September	30	Dirkert, Emil A	478 West Fifty-third street.
October	6	DeBann, Walter	136 Third avenue.
May	20	Quinlan, Timothy	225 East Thirty-fifth street.
August	11	Quinn, Peter	570 First avenue.
August	11	Quigley, Hugh	544 West Twenty-ninth street.
September	22	Quinn, Charles	561 Canal street.
December	30	Hennsler, William	S. W. cor. Fleetwood and 162d street.
August	12	Horchfield, Samuel	213 Broome street.
August	12	Hennessey, Jere	224 Madison street.
August	12	Hursons, Bernaw	64 West Third street.
August	19	Hunt, William	487 Canal street.
August	19	Helfreh, Philip	Jerome avenue near Woodlawn avenue.
August	19	Hamilton, Augustine	143 spring street.
August	25	Hazard, George	69 South street.
August	25	Helder, Philip	214 West Thirtieth street.
August	5	Hauser, William G	S. S. 155th St., 300 feet west of 8th Ave.
October	14	Hirsch, Maurice	1600 Railroad avenue.
October	14	Hilton, Joseph	464 Sixth avenue.
November	18	Heas, Edw	219 East Twenty-sixth avenue.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.	NAME.	Place of business.
1889.		
June 10	Holzman, Julius	820 Tenth avenue.
November 18	Halsgrove, David	103 West Twenty-fourth street.
November 18	Hunt, James	319 Spring street.
September 9	Haughey, Francis	233 Mulberry street.
July 22	Iba, Henry	38 Grand street.
November 4	Ironig, John	97 Hester street.
October 7	Henry, Irwin	238 Tenth avenue.
May 13	Immen, Luer	7 East Twenty-second street
December 16	Jantzen, John H	106 Wooster street.
July 29	Jorvano, Raphael	167 Mulberry street.
July 22	Jones, Charles	214 Ninth avenue.
December 23	Jaecke, Andrew	642 Sixth avenue.
August 11	Judge, Michael	746 Second avenue.
July 21	Jones, Peter	1469 Avenue A.
July 15	Jammsen, Alfred	137 Eighth avenue.
September 2	James, Charles	234 Livingston street.
August 26	Sauer, Frank A	221 William street.
August 12	Schrader, Herman C	390 Willis avenue.
November 11	Sotting, Frederick J	153 East Houston street.
November 11	Sproessig, Charles	Stebbins avenue near Boston avenue.
July 29	Sirin, John	114 Tenth avenue.
April 29	Schwarz, Columbus	29 Cortlandt avenue.
April 29	Sohn, Gustave	8 South street.
April 29	Sobeschot, Emanuel	Third street and Third avenue.
May 13	Schralber, Isakiel	33 Canal street.

June	16	Strehl, Joseph	436 East Fifty-eighth street.
June	16	Schalkenstein, C.	543 Sixth street.
June	16	Schenker, Isaac	20 Orchard street.
July	14	Seigel, Max	24 Allen street.
July	15	Saarbacher, Jacob	432 West Thirty-seventh street.
July	15	Schwartz, Edward	419 West Thirty-fifth street.
July	15	Schultz, Peter	136 Beekman street.
May	13	Smith, Charles	355 Bowery.
May	13	Sauer, Jacob	258 William street.
May	13	Sullivan, Jeremiah	69 Oliver street.
May	13	Seibert, Jacob	74 Suffolk street.
July	29	Shant, Frederick	Walnut avenue and 132d street.
July	1	Sheevers, John	540 West Fifty-fifth street.
July	7	Schivertman, Martin	383 Greenwich street.
July	1	Schmidt, Frederick	490 East Houston street.
July	8	Stock, Bernhard	695 Morris avenue.
September	16	Senbuth, John	529 Ninth avenue.
September	16	Schroeder, Ernest	17 Cannon street.
September	15	Sykora, Anton	406 East Seventy-third street.
December	16	Allhauser, Gustave	3476 Third avenue,
December	2	Aiken, James	326 First avenue.
December	2	Angellis, Pasquale	47 Mulberry street.
December	29	Anderson, Theodore	3 Washington street.
August	19	Ahearn, John	412 East 144th street.
August	26	Asborn, Charles	450 Pearl street.
August	12	Alians Raffalle	95 Crosby street.
May	20	Affenseet, Herman	991 Sixth avenue.
May	20	Adamson, Edward	89 Greenwich street.
Jnly	15	Arp, Julius	269 Broome street.
July	29	Astor, Charles	1030 Second avenue.
June	30	Albrecht, Theodore	58 Bleecker street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.	NAME.	Place of business.
1889.		
June 17	Arati, Joseph	14 Roosevelt street.
November 18	Arati, Joseph	14 Roosevelt street.
October 6	Augner, Max	162 Second street.
September 30	Aliano, Antonio	23 Marion street.
September 30	Adlung, Ferdinand	654 Robbins avenue.
June 10	Ader, Conrad	514 East Eleventh street.
June 10	Anderson, William	130 Greenwich street
December 15	Axman, Frederick	153 Washington street.
May 20	Eschenbach, Philip	182 Mulberry street.
May 6	Eisel, Tony	296 West 116th street.
July 21	Eibel Henry	327 East Forty-third street.
July 29	Espy, Benjamin	84 Eighth avenue.
July 29	Epstein, Israel	173 Norfolk street.
July 28	Cronin, James	638 Second avenue.
July 22	Edler, George	7 Morris street.
July 22	Esselmont, William	Sedgwick avenue and Highbridge.
July 22	Ehrman, Anton	350 West Thirty-ninth street.
June 24	Efinger, Bernard	535 Third avenue.
June 3	Eppler, Frederick	726 East Sixth street.
September 23	Eckert, Henry	370 East Tenth street.
September 10	Erhardt, Charles	408 West Thirty-fifth street.
June 10	Eckhard, Joseph L	114 Ninth avenue.
September 11	Ehehalk, William	34 Rivington street.
December 30	Euderlin, John H	316 West Thirty-eighth street.
December 2	Eppelsheimer, Charles	148 Norfolk street.

December	2	Eckert, Aaron	124 Attorney street.
November	17	Ernest, Louis	111 Seventh avenue.
August	30	Eberle, Mary	1101 First avenue.
August	11	Englert, Charles	503 Tenth avenue.
October	14	Eckhard, Joseph	510 West Thirty-sixth street.
June	3	Landthaler, John	218 Chrystie street.
May	27	Lpschutz, Israel	143 Division street.
May	13	Link, Gustave	76 Stanton street.
May	12	Lorenz, Sebastian	76 Mulberry street.
May	6	Levinson, Henry	439 West Fortieth street.
May	20	Lynch, James	435 Eleventh avenue.
May	27	Lambert, Franz	379 East Houston street.
July	29	Leibel, William	185 Rivington street.
July	29	Luther, Martin H	85 Rivington street.
July	28	Lorey, Frederick	164 Ludlow street.
July	22	Lecount, Jesse	Corner Wolf street and Sedgwick street.
July	17	Lynch, Peter	214 East Twenty-ninth street.
October	21	Arnold, John	461 Fourth avenue.
June	10	Ludwig, Frederick	90 Chrystie street.
June	10	Lummerman, Frederick	419 West Thirteenth street.
June	2	Loughlin, Martin	587 Grand street.
June	2	Lanz, Henry	207 East Seventy-sixth street.
June	3	Lynch, James	253 Rivington street.
May	27	Lanppe, Christian	176 Avenue D.
May	26	Lynch, Matthew F	1981 Third avenue.
May	27	Liebel, Emelia L	175 Ludlow street.
August	11	Lesson, Philip	14 Birmingham street.
August	26	Lippert, Joseph	210 Eldridge street.
August	26	Loretz, John	Kingsbridge Hotel.
December	9	Levy, Jacob	263 Stanton street.
December	23	Lynch, James	211 West Sixteenth street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continue*

Date.	NAME.	Place of business.
1889.		
December 9	Lombardi, Antonio	134 Bleecker street.
December 2	Lynch, James	253 Rivington street.
December 23	Luchow, August	110 East Fourteenth street.
November 4	Leopold, George	310 West Thirty-eighth street.
November 4	Loefing, Conrad	679 Courtland avenue.
November 25	Lohman, William	413 Canal street.
November 25	Leonard, Hugh	154 West Broadway.
November 25	Lyman, Michael J	142 South Fifth avenue.
November 18	Lindgreen, Alfred	138 Cherry street.
November 18	Leib, Lawrence	3065 Third avenue.
November 18	Leonard, John	118 Seventh avenue.
November 18	Lewes, Frank	332 East Fifty-third street.
August 23	Leddy, James	675 Third avenue.
August 19	Lemmen, Charles	131 Allen street.
August 5	Larkin, John	2340 Tenth avenue.
September 30	Shepard, John	95 Tenth avenue.
September 30	Schleiermacher, August	76 Allen street.
October 7	Schneider, Jacob	146 Suffolk street.
October 7	Schmidt, Henry P	117 Wooster street.
October 7	Sullivan, Thomas	423 Seventh avenue.
October 7	Siegel, Adam	623 East Ninth street.
October 20	Sullivan, Jeremiah	1344 First avenue.
October 21	Shanley, Peter	155 Cedar street.
October 21	Steffins, Herman	67 South street.
October 21	Shirlock, Henry	267 West Fourth street.

October 21	Schneider, Nicholas	43 Grand street.
November 4	Syring, Ernest	267 West Thirty-third street.
June 17	Schwartz, Emil	221 Lexington avenue.
October 14	Schroeder, Herman	390 Willis avenue.
October 21	Sevornagle, Caroline	128 Willett street.
September 1	Sussman, Robert	95 Chrystie street.
June 9	Schulho, Sigmund	431 East Seventy-third street.
June 9	Schmalz, John	93 Broome street.
June 3	Schwartz, Frederick	East side, 10th between 191st and 192d.
June 3	Schenor, Emil	291 East Fourth street.
June 10	Stevenson, Henry	1263 Third avenue.
June 10	Schaaf, William	S. E. cor. 112th st. and Western Boule'd.
June 10	Sigel, Max	122 Attorney street.
June 30	Schuler, Casper	183 Chrystie street.
June 24	Schrader, Herman C.	290 E. One Hundred and Forty-fourth st.
June 24	Schmidt, Adolph	406 East Seventy-third street.
January 6	Scherb, Gustav A.	189 Hester street.
September 16	Strattner, Charles	546 Courtland avenue.
August 5	Longheed, Robert	458 Second avenue.
January 6	Leslie, Richard	36 Oliver street.
October 14	Lawrence, David G.	278 Eighth avenue.
October 14	Leyendecker, Gustave	20 Rivington street.
October 6	Linsky, Michael	139 Washington street.
October 21	Lane, Arp	262 Seventh avenue.
September 29	Luther, Martin H.	85 Rivington street.
October 29	Leitner, Joseph	116 Ludlow street.
September 9	Linder, Charles	613 Ninth avenue.
December 29	Schultz, Carl	22 Stanton street.
November 4	Schmidt, Ernest	985 Second avenue.
November 10	Shee, James	15 Monroe street.
November 24	Sweigiel, Thomas	179 Eldridge street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.	NAME.	Place of business.
1889.		
June 17	Specker, Diedrick	29 Third avenue.
July 22	Stadler, Conrad	551 West Forty-second street.
July 28	Schmidt, Adam	65 Forsyth street.
July 28	Scholte, Frank	231 Grand street.
November 18	Schneider, John	144 Ludlow street.
November 18	Schmaltz, John	93 Broome street.
June 17	Soltan, Theodore	503 Grand street.
August 4	Smith, Francis J	302 Delancey street.
August 19	Smith, P. J	236 Rivington street.
May 20	Stolte, Edward	144 Park Row.
May 20	Speer, Hugo	458 Ninth avenue.
May 20	Sheehy, Patrick	612 Sixth avenue.
September 16	Speeker, Jacob	3454 Third avenue.
September 22	Schutt, Lewis	491 Washington street.
September 30	Sameth, Max	257 and 259 East Houston street.
September 2	Schoiloh, Bernhard	137 Bowery.
September 8	Sullivan, Daniel	366 Greenwich street.
September 2	Steinfeld, Louis	102 Columbia street.
September 16	Schneider, George	339 West Thirty-ninth street.
June 23	Sabeski, Isidore	26 Ludlow street.
September 16	Silverman, Max	8 Elizabeth street.
December 23	Shafer, Daniel	78 Orchard street.
December 22	Spena, Pasquale	8 Elizabeth street.
December 16	Schmeck, August	202 Wooster street.
December 16	Stroh, Michael	E. S. 10th avenue, 157th and 158th streets.

December	16	Soehl, John	69 Grand street.
December	9	Schulhof, Sigmund	431 East Seventy-third street.
December	9	Schnath, Frederick	930 First avenue.
December	30	Smith, John	303 West Thirty-ninth street.
December	30	Soehnlein, Jacob	65 First street.
December	9	Steiner, Ignatz	328 East Seventieth street.
July	29	Schmidt, Adolph	49 Forsyth street.
December	1	Shierloh, John	139 Bowery.
December	1	Suris, Frederick	S. W. corner Eighth av. and 23d. street.
December	2	Smith, James	876 Third avenue.
December	2	Skalak, Frank	216 East Fifth street.
December	2	Stumker, Clemens C	103 John street.
December	2	Scinde, Leonardo	107 Bayard street.
December	2	Seibert, Jacob	74 Suffolk street.
August	13	Shine, Jeremiah J	1166 Second avenue.
August	18	Sternfels, Max	1408 Second avenue.
August	18	Schutte, Herman	105 Broad street.
May	5	Herrman, Rudolph	236 Division street.
May	15	Rehm, John	West avenue, East South Boulevard.
May	20	Retagliata, George	87 Park street.
May	20	Rourke, Patrick	2102 Third avenue.
May	20	Rizirant, Philip	94 Columbia street.
May	26	Reid, Peter	1469 Avenue A.
May	27	Rosenthal, Frederick	637 Hudson street.
May	27	Reese, Conrad	104 Second avenue.
June	2	Reynolds, Bernard	558 Seventh avenue.
June	3	Ryan, William	2592 Third avenue.
June	16	Rogers, Lawrence	288 First avenue.
June	17	Ryan, Lott	1151 Second avenue.
June	17	Ryan, William	1469 Avenue A.
June	23	Ruge, William	70 Catharine street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.		NAME.	Place of business.
1889.			
June	24	Rafferty, Peter L	559 Ninth avenue.
June	30	Renick, William	38 Sheriff street.
July	1	Riege, Louis	253 West Thirteenth street.
July	14	Ropp, Freak	1632 Avenue B.
July	21	Reim, John	Bronx river and Westchester bridge.
July	22	Russell, James	406 Tenth avenue.
July	29	Richter, Franz	132 East Third street.
July	29	Ruempfer, George	235 Tenth avenue.
August	11	Reilly, James	148 Seventh avenue.
August	11	Rowe, William	177 Broome street.
August	18	Rhode, Otto	1671 Ninth avenue.
August	11	Regan, Patrick	7 Ann street.
August	12	Reichard, David	105 Delancey street.
August	13	Rush, Henry H	403 Fourth avenue.
May	5	Coleman, Patrick J	355 Bowery.
May	6	Commerford, Michael	476 Second avenue.
May	6	Cusack, James	258 First avenue.
May	12	Calahan, Patrick	157 Washington street.
May	27	Crawford, William T	550 West Forty-fourth street.
May	27	Cordes, Henry	24 Batavia street.
May	27	Conlin, James F	542 West Thirty-ninth street.
May	27	Cosgrove, Michael	42 Clinton place.
May	27	Commiskey, Patrick	633 First avenue.
May	26	Culhane, Garrett	1290 Third avenue.
May	26	Capsuto, Vincenzo	192 Worth street.

October	7	Coyle, Bernard	519 Second avenue.
October	7	Culleck, Richard	Tenth avenue and 191st street.
October	6	Coloe, Michael	1069 Third avenue.
October	6	Charwat, Adolph	1314 First avenue.
October	6	Crolius, John	1249 Broadway.
September	2	Clyne, William J	528 Greenwich street.
September	2	Clauson, William A	298 Seventh avenue.
September	30	Clark, Patrick	852 Sixth avenue.
September	29	Currier, Edward	321 West street.
September	16	Costello, John	617 Sixth avenue.
September	9	Cahill, Michael	642 Ninth avenue.
September	9	Carr, William	218 Varick street.
September	9	Cohan, Ben	38 Clinton street.
September	9	Corbett, Thomas J	596 East 162d street.
September	9	Corporalo, Prospero	53 Spring street.
September	9	Campbell, Peter	82 Centre street.
June	10	Courtney, Patrick	923 Second avenue.
June	15	Carls, Louis	589 Grand street.
June	15	Corcoran, Peter M	71 Canal street.
June	10	Carroll, Charles	1312 Second avenue.
June	3	Clark, Thomas	614 Madison avenue.
June	2	Cort, Otto	36 Grand street.
June	2	Collins, Joseph	77 Essex street.
June	17	Curren, James F	130 Ridge street.
June	16	Carroll, William	561 Second avenue.
June	16	Curran, Edward	321 West street.
June	30	Campbell, Peter	82 Centre street.
July	22	Cain, Harrison	264 Eighth avenue.
July	22	Conway, John	1066 Second avenue.
September	9	Christie, Thomas	318 Eleventh avenue.
December	1	Clinton, John	2389 Third avenue.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.	NAME.	Place of business.
1889.		
November 4	Corbett, Michael	425 West Twenty-sixth street.
November 4	Clinton, John	2553 Third avenue.
November 25	Clausen, August F	2234 Fifth avenue.
November 11	Curran, Thomas	1075 First avenue.
August 19	Cassello, Pietro	54 James street.
August 5	Caspar, Gottlieb	174 Eldridge street.
August 5	Cheepik, Frank	246 East Third street.
October 13	Cassidy, John	231 Grand street.
October 21	Callaghan, Patrick	1082 First avenue.
June 3	Connors, James	660 Second avenue.
September 8	Conway, John	338 East Fifty-sixth street.
October 20	Connolly, Luke	638 Second avenue.
July 29	Conway, Daniel	551 West Twenty-sixth street.
July 1	Clark, Mark	429 Sixth avenue.
July 7	Cryan, Cornelius	50 Rutger street.
May 12	Donnelly, James	1304 Third avenue.
August 11	Doyle, Patrick	862 Second avenue.
August 19	Duane, John E	337 East Eleventh street.
October 21	Dundas, Alfred	155th street bet. 8th ave. and Boulevard.
October 21	Dannenfelser, Mortin	845 Third avenue.
November 24	Diamond, Lawrence	48 Allen street.
November 24	Duffy, Peter	755 Third avenue.
December 9	Darsauer, Frederick	780 Seventh avenue.
December 15	Duff, James	178 Eigth avenue.
December 29	Donnelly, James	1304 Third avenue,

December	30	Siehl, Peter	306 Delancey street.
May	20	Dietz, Valentine	787 Fifth avenue.
May	20	Dunn, John	320 East Twenty-fifth street.
May	27	Doolan, Jeremiah	254 First avenue.
June	2	Duff, James	178 Eighth avenue.
June	9	Douofsky, George	15 Stanton street.
June	10	Davis, James	62 Rutger street.
June	10	Donnorth, Robert	984 Trinity avenue.
June	16	Dreescher, John	55 First avenue.
June	17	Dolan, Michael	513 Eleventh avenue.
July	8	Droste, Ernest	14 South street.
July	8	Dunn, Thomas J	396 Eleventh avenue.
July	15	Denning, William	559 West Thirty-second street.
July	21	Doyle, John	387 Ninth avenue.
July	22	Dauenfelser, Martin	845 Second avenue.
July	29	Deguan, Edward	416 Seventh avenue.
July	29	Diamond, James	255 Tenth avenue.
August	5	Delinor, John	22 South Fifth avenue.
July	29	Thode, Ernest	307 Spring street.
July	29	Thrill, Philip	114 Pearl street.
July	29	Talley, Felix	182 Worth street.
May	12	Tierney, Matthew	700 Third avenue.
May	6	Trainor, Patrick	413 East Thirteenth street.
July	22	Voisin, Joseph	107 West Twenty-sixth street.
September	30	Voplak, Joseph	1393 Avenue A.
October	21	Vonghan, William	Corner 104th street and Locust avenue.
August	25	Varian, George	Boston avenue and Kingsbridge.
November	10	Volge, John	914 Sixth avenue.
December	23	Van Roun, Henry	132 First avenue.
August	11	Vogel, Henry W	112 Avenue D.
December	2	Van Der Leith, William	220 West Eighteenth street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.	NAME.	Place of business.
1889.		
June 17	Ullrich, Louis	517 West Forty-third street.
June 30	Urunsky, Abraham	21 Forsyth street.
May 20	Ubyett, William	1391 Broadway.
May 5	Yuckman, Abraham	543 Fifth street.
May 6	Young, Henry A	Depot place, east of Commerce street.
September 1	Young, Richard	230 West Fourth street.
August 26	Young, Henry	360 Seventh avenue.
November 11	Young, Philip W.	212 Avenue C.
July 28	Zubo, Pasquale	64 Sullivan street.
October 21	Zaccazino, Guiseffe	521 Broome street.
September 2	Zoll, George A.	702 East 161st street.
April 29	Zimmer, Jacob	29 Vanderwater street.
October 21	McCarthy, Jeremiah	349 Spring street.
July 15	McDermott, John	275 Avenue B.
June 9	McMullen, John	616 Sixth avenue.
June 9	McElraney, James	767 Second avenue.
May 6	O'Brien, William	280 East Broadway.
May 13	O'Connell, John	58 Bleecker street.
July 8	O'Neil, Denis	14 Church street.
July 1	O'Brie, John	163 Wooster street.
July 29	O'Connor, Jeremiah	86 Centre street.
June 15	O'Farrell, Thomas	587 Grand street.
September 2	O'Neill, Daniel	1329 Broadway.
September 16	Osland, Fred	101 Cherry street.
September 30	Ohmann, Theophoile	86 Fourth avenue.

September	1	O'Reilly, John	87 Monroe street.
October	7	O'Brien, John	81 Tenth avenue.
October	14	O'Brien, William	225 Seventh avenue.
October	21	Otto, Rudolph	106 Pine street.
1890.			
January	5	O'Beirne, William	1199 Second avenue.
1889.			
August	5	O'Brien, John	1103 Washington street.
August	25	O'Brien, Cornelius	344 East Sixty-first street.
August	12	Ochler, Henry	615 First avenue.
August	12	O'Connell, Patrick J.	1097 First avenue.
August	12	O'Boyle, Patrick	179 Varick street.
August	16	O'Brien, John	314 West street,
November	11	O'Brien, Richard	756 East 170th street.
December	9	O'Brien, Bernard	612 Sixth avenue.
December	9	O'Rourke, Patrick	488 Sixth avenue.
October	14	Precht, Henry	210 Sullivan street.
October	21	Piefka, Paul	At Phœnix park.
October	27	Pryor, John	231 West Nineteenth street.
October	13	Perles, Leon	79 Chrystie street.
August	11	Petrocella, John	
July	22	Ulman, Benjamin	1027 Second avenue.
October	6	Uranskyn, Abraham	21 Forsyth street.
May	26	Naughton, Michael	638 Second avenue.
May	27	Koon, Thomas	197 Lexington avenue.
May	6	Newell, Samuel	S. W. cor. Depot place and Sedgwick ave.
July	15	Neuman, August	1029 Second avenue.
July	8	Newmezer, Charles	123 West Nineteenth street.
July	1	Nashold, William	1 State street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.	NAME.	Place of business.
1889.		
June 17	Ullrich, Louis	517 West Forty-third street.
June 30	Urunsky, Abraham	21 Forsyth street.
May 20	Ubyett, William	1391 Broadway.
May 5	Yuckman, Abraham	543 Fifth street.
May 6	Young, Henry A	Depot place, east of Commerce street.
September 1	Young, Richard	230 West Fourth street.
August 26	Young, Henry	360 Seventh avenue.
November 11	Young, Philip W	212 Avenue C.
July 28	Zubo, Pasquale	64 Sullivan street.
October 21	Zaccazino, Guiseffe	521 Broome street.
September 2	Zoll, George A	702 East 161st street.
April 29	Zimmer, Jacob	29 Vanderwater street.
October 21	McCarthy, Jeremiah	349 Spring street.
July 15	McDermott, John	275 Avenue B.
June 9	McMullen, John	616 Sixth avenue.
June 9	McElraney, James	767 Second avenue.
May 6	O'Brien, William	280 East Broadway.
May 13	O'Connell, John	58 Bleecker street.
July 8	O'Neil, Denis	14 Church street.
July 1	O'Brie, John	163 Wooster street.
July 29	O'Connor, Jeremiah	86 Centre street.
June 15	O'Farrell, Thomas	587 Grand street.
September 2	O'Neill, Daniel	1329 Broadway.
September 16	Osland, Fred	101 Cherry street.
September 30	Ohmann, Theophoile	86 Fourth avenue.

September	1	O'Reilly, John	87 Monroe street.
October	7	O'Brien, John	81 Tenth avenue.
October	14	O'Brien, William	225 Seventh avenue.
October	21	Otto, Rudolph	106 Pine street.
1890.			
January	5	O'Beirne, William	1199 Second avenue.
1889.			
August	5	O'Brien, John	1103 Washington street.
August	25	O'Brien, Cornelius	344 East Sixty-first street.
August	12	Ochler, Henry	615 First avenue.
August	12	O'Connell, Patrick J.	1097 First avenue.
August	12	O'Boyle, Patrick	179 Varick street.
August	16	O'Brien, John	314 West street,
November	11	O'Brien, Richard	756 East 170th street.
December	9	O'Brien, Bernard	612 Sixth avenue.
December	9	O'Rourke, Patrick	488 Sixth avenue.
October	14	Precht, Henry	210 Sullivan street.
October	21	Piefka, Paul	At Phœnix park.
October	27	Pryor, John	231 West Nineteenth street.
October	13	Perles, Leon	79 Chrystie street.
August	11	Petrocella, John	
July	22	Ulman, Benjamin	1027 Second avenue.
October	6	Uranskyn, Abraham	21 Forsyth street.
May	26	Naughton, Michael	638 Second avenue.
May	27	Koon, Thomas	197 Lexington avenue.
May	6	Newell, Samuel	S. W. cor. Depot place and Sedgwick ave.
July	15	Neuman, August	1029 Second avenue.
July	8	Newmezer, Charles	123 West Nineteenth street.
July	1	Nashold, William	1 State street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC.— (*Continued*).

Date.	NAME.	Place of business.
1889.		
July 22	Nashold, Frederick	401 East Thirty-fourth street.
June 24	Nagle, William	418 West Forty-first street.
June 24	Nigez, August	1041 Third avenue.
June 16	Nolan, Denis P	1326 First avenue.
June 3	Newman, Samuel	124 Attorney street.
June 3	Nunziato, Ferdinand	80 Mulberry street.
September 23	Nickig, Charles	241 East Third street.
September 30	Newstadt, Michael	92 Hester street.
February 25	Nathan, Abraham	123 Columbia street.
January 5	Rodewald, August	159 Hudson street.
August 5	Tisch, Conrad	450 Willis avenue.
August 19	Tydeman, George	178 Canal street.
November 24	Taaffe, George	1123 Second avenue.
December 2	Turdik, Anton	349 East Seventy-third street.
December 12	Zenley, Francis	67 East One Hundred and Eighteenth st.
December 8	Tierney, Mathew	700 Third avenue.
October 21	Torris, James	423 West Thirty-fifth street.
September 29	Thiel, Louis	93 Market street.
September 15	Turner, David	683 Third avenue.
June 24	Toner, John	567 Ninth avenue.
June 24	Thode, Ernest	397 Spring street.
September 2	Ward, James	100 Seventh avenue.
September 9	Winter, Claus	98 Forsyth street.
September 9	White, James	2513 Third avenue.
September 15	Walsh, Richard	746 Second avenue.

September 16	Walter, Herman	142 Essex street.
September 16	Wendelken, George	223 Tenth avenue.
September 23	Winkelmeyer, Max	150 Eldridge street.
September 23	Williams, John	104 Cherry street.
October 7	Wilkinson, Daniel	170 Eighth avenue.
October 7	Woods, John	355 Boston avenue.
October 7	Weisledder, Hugh	341 West Thirty-eighth street.
October 21	Weinstein, Aaron	959 Third avenue.
August 12	Widder, George	326 East Eighth street.
August 12	Wane, Fred	2308 Eighth avenue.
August 26	Wohlman, Martin	Tenth avenue and 191st street.
November 10	Weinstock, Sarah	71 Eldridge street.
December 2	Wilde, William	961 Second avenue.
May 26	Hashgan, Henry	152 Fourth avenue.
June 9	Leeper, Thomas F.	422 Second avenue.
November 17	Miller, Philip	215 East Fourth street.
November 17	Martin, John	180 Eleventh avenue.
November 17	Norman, Fred	508 Tenth avenue.
November 10	Schneider, L. A	1382 Second avenue.
July 7	Buckley, James H	30 Third avenue.
November 3	O'Brien, Frank	844 Second avenue.
May 5	Bergman, George	988 Second avenue.
September 1	Montgomery, Hugh	796 Third avenue.
July 21	Greggan, Moses	1500 First avenue.
August 26	Ruoff, Charles	148 Rivington
September 1	Ryan, William	519 Sixth avenue.
September 1	Reilly, Bernard	902 Second avenue.
September 8	Reilly, Thomas	71 Varick street.
September 9	Rossi, Michael	105 Thompson street.
September 16	Reed, Henry H	182 Bleecker street.
September 30	Rosenberg, Louis	102 Columbia street.

EXHIBIT No. 4—INDICTED EXCISE CASES, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1889.		
October 7	Reilly, Brian	555 West Thirty-second street.
October 7	Ryan, Thomas	693 First avenue.
October 14	Redmond, Denis	142 Third avenue.
October 21	Rosenthal, Seigfried	276 Spring street.
November 4	Radie, Frank	518 Broome street.
November 10	Richard, Frank	334 East Fifty-fourth street.
November 11	Roth, John	11 Third avenue.
November 11	Remelius, Joseph	437 West Thirty-first street.
November 24	Rethnisch, John	248 Tenth avenue.
November 24	Rathkamp	34 West Broadway.
December 9	Russo, Francisco	195 Mulberry street.
December 9	Rapp, Louis	378 West Twelfth street.
December 22	Regan, Patrick J	95 Varick street.
December 30	Rafferty, John	2513 Third avenue.
September 1	Moser, Gregor	1500 First avenue.
October 6	McCrorker, John	87 Ninth avenue.
October 7	Moriarty, James	167 Bleecker street.
October 7	Maxwell, Charles	177th street and Vyse avenue.
October 14	Murphy, William	346 West Fortieth street.
September 8	Jacob, Aaron	52 Norfolk street.
September 9	Jenson, Jons	88 Cherry street.
July 15	Cosgrove, Michael	588 Morris avenue.
June 2	Weiss, Carl	42 Crosby street.
June 2	Walker, Annie	197 Forsyth street.
June 10	Weiseman, W. H	1651 Broadway.

June	10	Walsh, Henry	137th street and South Boulevard.
June	24	Walsh, James	169 Avenue D.
June	24	Wildey, George	186 Thompson street.
June	23	Wienwsky, Anton	266 Delancey street.
June	23	Wodtke, Richard	112 Chrystie street.
July	22	Walsh, Thomas	Corner Hoffman and Jacob streets.
July	29	Wenzelberger, Joseph	26 Division street.
July	8	Woods, Catherine	1355 Boston avenue.
July	14	Weil, Louis	613 Third avenue.
May	20	Westerhausen, Charles	257 West Forty-seventh street.
May	20	Werfelman, William	473 Grand street.
May	20	Wentz, J. G	187 East Tenth street.
May	20	Woeniger, Rudolph	169 East Houston street.
July	22	Watkins, Charles	439 Seventh avenue.
July	14	Wendelken, ———	1 Broome street.
June	3	Wolf, Nicholas	313 West Forty-fourth street.
July	21	Webberson, John	612 Third avenue.
July	21	Werner, William	307 East Eighth street.
June	3	Wice, Louis	941 Second avenue.
December	23	Wetterer, Frank	332 Eighth avenue.
December	30	Wellbrock, Henry	379 West street.
December	10	Ward, William	169 West Houston street.
December	10	Walters, Henry	262 Seventh avenue.
December	23	Wenner, Charles	34 Grand street.
June	8	Walter, Harry	523 Canal street.
1890.			
March	24	Fox, David	1002 Second avenue.
March	25	Friedhoff, August	994 Second avenue.
July	22	Finck, William	112 Eighth avenue.
July	29	Feltman, Henry	1275 Broadway.
July	29	Franklyn, S. J.	162 Cherry street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
July 29	Fessler, George	388 Seventh avenue.
July 7	Frank, Joseph	128 North Houston street.
May 6	Fieldman, August	Southeast cor. 155th street and 8th ave.
May 24	Forge, Febex	75 University place.
June 10	Fiddis, Adam	146 Monroe street.
September 2	Fisher, William	162 Canal street.
September 2	Fechter, August J	351 East Seventeenth street.
June 14	Fay, Thomas	18 Grand street.
June 16	Francis, Andrew	130 West Twenty-third street.
June 17	Fegurson, James	195 Aveuue C.
May 27	Fallon, Michael	8 University place.
September 8	Gerdt, Otto	1407 avenue A.
June 10	Godfrey, Michael	638 Third avenue.
June 10	Glassman, Charles E	440 West Twenty-eighth street.
September 2	Glay, Ernst	90 Bleecker street.
September 23	Gallagher, Andrew	86 Delancey street.
December 1	Gillick, John	282 Seventh avenue.
December 2	Geyer, Joseph	2491 Third avenue.
November 10	Golden, George	245 Monroe street.
November 10	Gloistein, John	76 Grand street.
November 10	Guidan, Gustave	188 Wooster street.
November 25	Goodman, Ignatz	81 Sheriff street.
June 10	Garland, John	374 Tenth avenue.
July 22	Granneman, Henry C	860 Washington street.
January 27	Bubbe, Charles	166 Madison street.

January 1889.	27	Baumeister, August	158 East Twenty-third street.
December	2	Braum, Rudolph	848 Eleventh avenue.
December 1890.	8	Belli, Lingei	19 Chatham street.
March	24	Breheney, John	615 West Forty-sixth street.
March	3	Boehring, Robert	112 East One Hundred and Tenth street.
March	23	Bremges, John H	199 South street,
March	23	Butler, Michael	1421 Second avenue.
March	10	Bockelmeier, Frederick	608 East corner Twelfth street.
March	23	Belnens, Henry	20 Delancey street.
March	24	Brown, Julius W	158 Canal street.
March	3	Brener, Ernst	172 Avenue C.
March	9	Brown, Daniel W	72 East Broadway.
March	31	Bellocorn, Jochim	161 North street.
March	9	Britt, James	137 East Thirteenth street.
March	17	Brinkman, Emil	223 East Twenty-second street.
March	31	Agaglia, Michael	273 Mulberry street.
March	17	Abderson, Otto	48 Market street.
March	16	Albert, Harris	53 Eldridge street.
February	3	Arnold, Howard	175 Ludlow street.
January	20	Atkinson, Richard	1450 Broadway.
April	14	Esselmont, William G	Sedwick avenue and Wolff street.
March	10	Ernst, Leopold	845 Tenth avenue.
January	19	Epstein, Israel	3 Canal street.
January	20	Engelbrecht, Henry	158 Canal street.
March	24	Husala, Philip	393 Second avenue.
January	13	Hickey, Martin	576 Tenth avenue.
February	24	Horn, Fritz	58 East Fourth street.
March	16	Lawrence, Charles	1502 Lexington avenue.
April	14	Lynch, James	435 East Houston.

EXHIBIT No. 4. — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.		NAME.	Place of business.
1890.			
April	14	Lynch, Walter	2687 Third avenue.
April	14	Linchan, Daniel	399 Pearl street.
March	24	Landthaler, John	218 Chrystie street.
February	3	Leonard, John	314 Tenth avenue.
February	3	Lodi, Julius	351 Seventh avenue.
March	3	Lagomarine, Bartholomo	65 Baxter street.
March	30	Liable, William	185 Rivington street.
April	13	Lan, Jacob	195 Avenue A.
March	3	Levy, Marks	134 Eldridge street.
January	20	Leonard, Edward	435 West Fortieth street.
January	26	Lingeman, August	190 Orchard street.
January	12	Levy, J. F	453 West Thirty-eighth street.
January	27	Liebel, Susana	31 Willet street.
January	26	Lessler, Jacob	113 Eldridge street.
January	26	Luttrell, Richard	89 Greenwich street.
January	13	Lane, Patrick	21 Chatham square.
April	14	Henry, John	602 Front street.
April	14	Huick, Henry	151 South street.
March	9	Hancill, Thomas	679 Third avenue.
January	6	Hoppe, Gustave	1292 Broadway.
March	31	Fortune, Antonio	141 Mott street.
March	9	Fackelman, John	1661 Third avenue.
January	6	Fraz, George	231 East Forty-sixth street.
April	13	Foley, Edward	1073 First avenue.
April	13	Frank, John	135 Essex street.

February	10	Fiddis, Adam	188 Madison street.
February	2	Schodler, Jacob	708 Eleventh avenue.
February	3	Schneiderer, Gustav	240 Stanton street.
February	3	Sharkey, Michael F	542 Second avenue.
January	6	Stichl, John	307 Rivington street.
January	20	Schneider, Frederick	141 East Seventeenth street.
January	20	Sheeler, Johanna	379 East Houston street.
January	20	Stadler, Barbara	551 West Forty-second street.
January	20	Schumann, Herman	957 First avenue.
January	20	Saffe, Hermon	971 First avenue.
January	20	Smith, Francis	302 Delancey street.
January	13	Schreck, Michael	86 East Third street.
January	19	Schneider, John	327 Bowery.
January	26	Skalak, Francis	216 Fifth street.
April	14	Sullivan, John	1045 Second avenue.
April	14	Sullivan, Dennis	2188 First avenue.
February	24	Sponelli, Dominaco	237 Elizabeth street.
March	17	Sylrander, Charles A	641 West Forty-seventh street.
March	16	Shields, William	785 Second avenue.
1889.			
July	1	Simon, Charles	381 Avenue A.
1890.			
April	14	Sarcom, Nicholas	53 Spring street.
March	10	Schneider, Charles	1018 Third avenue.
March	10	Sanlius, Vincenzo	149 Elizabeth street.
February	23	Stats, Dora	189 Chrystie street.
February	10	Schlichter, John	404 East Tenth street.
February	3	Schnoor, Charles	354 Pearl street.
January	19	Schwartzwald, Joseph	1483 First avenue.
January	27	Schnerdor, Rheinbold	389 Second avenue.
January	12	Schneider, Karl	130 Willet street.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
January 19	Schwartzwald, ——	1483 First avenue.
June 30	Koenecke, Henry	258 Avenue A.
April 6	Kienan, Peter	830 Eighth avenue.
March 2	Keiser, Edward	210 Eldridge street.
March 2	Koeding, Balthaser	245 East Fifty-first street.
February 16	Keils, Hermann	358 Third avenue.
February 16	Kessler, John	40 Chrystie street.
February 23	Kohlway, Deidrick	17 Rivington street.
February 23	Keifer, Henry	130 Cannon street.
March 23	Kerigan, James	101 Monroe street.
March 30	Shaffer, Fredericknew	3876 Tenth street.
March 2	Nage Maurice	317 East Sixtieth street.
February 2	Naughtin, Daniel J.	14 Prince street.
April 13	Nephin, John	178 Canal street.
April 13	Nichtin, William, Jr.	173 St. Jerome avenue.
February 9	Newvohr, Julius	116 East Fourth street.
1889.		
September 29	Newman, Charles	867 Second avenue.
December 22	Kapper, Gustave	100 Third avenue.
1890.		
February 23	Fannell, James	80 Cherry street.
April 6	Foley, Daniel	676 Third avenue.
April 13	Finnigan, Patrick	23 Chatham square.
March 9	Farrell, James J.	102 James street.
February 23	Foley, John	33 Washington street.

February	2	Fay, Thomas	97 Elizabeth street.
January	19	Flannery, Michael	114 East Forty-first street.
January	12	Fennelly, Philip	48 Spring street.
January	27	Fitzpatrick, Martin	411 First avenue.
January	26	Ford, Patrick	645 First avenue.
January	27	Fray, Edward	146th street and Burk avenue.
February	16	Murry, Henry	137 East Thirteeth street.
February	17	McCrohan, Michael	78 Cortland street.
February	17	McKeen, Thomas	1187 Third avenue.
February	3	Muller, Cilt H.	765 First avenue.
February	24	Meehan, Patrick	555 First avenue.
March	31	Mullen, John	963 First avenue.
March	3	McAller, Peter	20 Bowery.
March	24	Mahl, John	276 Spring street.
March	17	Muller, Adam	963 Dennan place.
March	17	Malmora, Joseph	143 Mulberry street.
March	23	McGibney, Hugh	377 Second avenue.
March	23	Inetz, Frederick	213 East Twenty-fifth street.
March	24	Messman, Henry	41 Eldridge street.
March	31	Mack, Andrew	216 East Eightieth street.
March	2	Martin, N. M.	162 East Broadway.
March	24	McMahon, Thomas	33 Goerck street.
March	17	Muller, Julius	1754 Park avenue.
March	16	McKiernan, Patrick	1290 Third avenue.
March	1	McLaughlin, Alexander	223 Third avenue.
April	7	Maro, Michael	13 New Bowery.
April	6	Mooney, John	206 Madison street.
April	13	Martin, James	2120 Third avenue.
April	13	Moloney, James	1336 First avenue.
April	14	McGowan, Edward	Corner Tenth avenue and 181st street.
April	7	Murphy, Thomas	593 Tenth avenue.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
March 3	Germann, Frederick	1099 Second avenue.
March 17	Garona, Paul	195 Mulberry street.
February 3	Garrigan, Edward	291 Avenue A.
February 3	Stradinger, Valentine	146 Norfolk street.
March 24	Schultz, Henry	1067 First avenue.
March 23	Scully, John	944 First avenue.
March 30	Sullivan, John	1045 Second avenue.
March 30	Stumpf, Charles	251 Bowery.
March 24	Schmidt, August	120 Columbia street.
March 24	Schroder, T. William	S. W. cor. Eighth avenue and 155th street.
March 3	Scheppendahl, Otto	45 First street.
March 31	Speckman, John	61 Oliver street.
March 31	Specker, Jacob	3454 Third avenue.
March 3	Sutter, August	68 Rivington street.
March 9	Schiller, Gerhard	169 East Houston street.
March 3	Scheede, John H	20 Bowery.
March 24	Stall, George	183 Mott street.
March 17	Slesifsky, George	35 Lewis street.
February 23	Stuart, James	231 Grand street.
February 10	Scheer, Peter	108 Chrystie street.
February 10	Sheehan, Michael	41 Park street.
February 24	Schatz, George	154 Ludlow street.
February 24	Stark, Anton	317 Fifth street.
February 24	Schuler, Louis	202 Hester street.
April 20	Scurlon, Patrick	34 Laight avenue.

1889.			
December	21	Sauer, Edward	1116 First avenue.
1890.			
February	17	Glazier, Frederick	119 Chrystie street.
March	31	Giddie, Nathan	65 Mott street.
March	23	Garrity, Owen	633 First avenue.
March	10	Ginrato, Michael	217 Mott street.
March	17	Brown, Frank	178 Canal street.
April	7	Borshardt, Jacob	157 Forsyth street.
1889.			
June	23	Burlridge, Dand	194 Avenue A.
1890.			
February	10	Baader, William	317 West Forty-first street.
February	23	Bropley, John	393 Washington street.
February	23	Burke, John	15 Madison street.
February	17	Burchell, John	561 West Fifty-seventh street.
February	16	Baier, Anton	114 Delancey street.
February	10	Bireculars, John	407 Canal street.
February	10	Brodie, Stephen	114 Bowery
February	16	Breslin, James	13 Catherine Slip.
February	2	Busse, Ernest	139 Avenue A.
February	2	Buckman, John	46 Division street.
February	3	Brennan, Peter	8 Jones street.
February	3	Baughardt, William D	730 Eleventh avenue.
February	16	Beloco, Jaqunio	161 Worth street.
February	16	Buck, John	202 South street.
February	2	Breman, Thomas	1131 Third avenue.
January	6	Beedenbender, ———	672 Eleventh avenue.
January	19	Blonk, George W	176 Monroe street.
January	20	Brady, John	407 West Thirty-sixth street.
January	20	Banisford, William	510 Eleventh avenue.

EXHIBIT No. 4. — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
January 20	Branjes, John H	199 South street.
January 13	Buer, Daniel	526 Eighth avenue.
January 13	Blanino, Peter	446 West and Sixth street.
January 26	Bammeaun, Richard	306 Elizabeth street.
January 26	Berau, Karel	423 East Seventy-fifth street.
January 12	Blonk, George M	176 Monroe street.
January 19	Bolger, Francis	1158 Second avenue.
March 3	Wiemot, Emil	73 Cannon street.
January 12	Wemkelmeyer, Max	150 Eldridge street.
January 19	Wright, John	922 Second avenue.
March 10	Werfelman, William	473 Grand street.
March 10	Wolf, Nicholas	313 West Forty-fourth street.
March 31	Wich, August	414 Pearl street.
March 24	Weuzel, George	441 West Thirty-sixth street.
March 3	Wilbert, Felix	180 Norfolk street.
March 31	Winters, Charles	597 Eleventh avenue.
April 13	Walsh, Thomas N	216 East Fifty-ninth street.
March 17	Wesel, George	9 First street.
March 17	Wahlers, John	147 Elizabeth street.
March 17	Wilde, Albert	Tenth avenue and 192d street.
March 2	Weigand, August	229 East One Hundred and Third street.
February 24	Ward, John F	137 Madison street.
February 2	Ward, James	204 Madison street.
February 3	Walsh, Joseph	393 First avenue.
January 20	Wickham, John	824 First avenue.

January	20	Wisloh, Frederick	26 West Third street.
January	20	Wolf, Henry	269 East Houston street.
January	29	Weigand, Charles	1065 Avenue A.
January	6	Glokler, Christian	S. E. cor. 149th street and 10th avenue.
January	12	Germann, Jacob	445 East Fifty-second street.
February	24	Gaffney, John	842 First avenue.
March	9	Eschert, Alfred	76 Stanton street.
February	17	Efferman, John	S. W. cor. 5th avenue and 136th street.
April	7	Merchas, Emil	133 Stanton street.
March	9	Ehler, Herman F	2226 Seventh avenue.
April	14	Eisele, Charles	309 East One Hundred and Sixth street.
January	24	Mensing, Albert	3 Seventh avenue.
January	26	Miller, Henry	3165 Third avenue.
January	12	Moody, Henry J	801 Second avenue.
January	27	McLaughhein, Michael	593 First avenue.
January	27	Mulinaro, Guiseppi	143 Mulberry street.
January	27	Mynahan, George	600 Third avenue.
January	13	McCarthy, Edward	152 East Forty-second street.
January	19	Myer, Herman	201 Pearl street.
January	13	McEiranny, ———	767 Second avenue.
January	20	Mara, James	476 Second avenue.
January	20	Malinda, Emil	188 Forsyth street.
January	6	Mulryan, Joseph H	46 Sixth avenue.
January	19	Manning, Patrick	902 Second avenue.
January	5	Muth, Adam	61 Forsyth street.
January	5	Muller, Henry	313 East Sixtieth street.
January	6	McPhenson, Samuel	176 Eighth avenue.
January	6	Maxelini, Wendell	142 West Thirty-first street.
January	20	Miller, Louis	135 Avenue A.
January	5	McComick, James	302 Third avenue.
February	17	Moss, Charles	50 Broome street.

EXHIBIT No. 4. — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
February 10	Murthy, Michael H	1 James Slip.
February 10	Meagher, Philip P	59 Greenwich street.
February 2	McCormick, John	17 Montgomery street.
February 16	McConnell, Charles	97 Elizabeth street.
February 16	Maher, John	177 Hester street.
February 23	McCaffrey, ———	963 First avenue.
February 10	Manthe, John	481 Pearl street.
February 10	Muller, Edward	62½ First street.
March 24	Coyle, James T	321 Delancey street.
April 7	Conlin, Francis	557 First avenue.
April 6	Cashin, James	881 Seventh avenue.
March 30	Deniston, James	1355 Third avenue.
March 24	Delancey, Patrick	522 Third avenue.
March 24	Diled, Leomoled	243 Mulberry street.
March 30	Daley, James	877 Third avenue.
February 23	Doyle, Michael	183 South street.
March 30	Doyle, John F	58 South Washington square.
March 3	Donnelly, James	1304 Third avenue.
March 17	Diersing, John	542 Third avenue.
April 7	Dorn, David	1380 Third avenue.
March 2	Dougherty, Patrick	700 Third avenue.
April 14	Diamond, Lasarus	48 Allen street.
March 10	Dore, Patrick J	683 Third avenue.
March 10	Dowling, Thomas	479 Second avenue.
March 9	Donegan, Thomas	34 Cherry street.

February	24	Dottner, Charles	833 Union avenue.
January	13	Danks, Francis	126 Crosby street.
February	10	Dinda, Joseph	1407 Avenue A.
February	2	Doherty, Dominick	735 Tenth avenue.
February	10	Doscher, Christopher	70 Catharine street.
January	13	Dundas, Alfred	S. W. 155th st., bet. 8th av. & Brad. av.
January	20	Doerishuch, Peter	785 Ninth avenue.
January	6	Doran, Daniel B	558 Tenth avenue.
January	6	Donnelly, James	134 West Nineteenth street.
January	13	Danmeyer, August	147 West Thirty-second street.
January	26	Deniston, James	1355 Third avenue.
January	19	Dunn, Patrick	1159 Second avenue.
February	10	Curran, Frank	237 Eighth avenue.
February	2	Collins, Michael J	71 Varick street.
February	4	Cleary, John W	245 Seventh avenue.
February	3	Casey, Timothy	2434 First avenue.
February	2	Cohen, Moses	104 Hester street.
January	2	Clapo, Rocco	190 Elizabeth street.
January	19	Cullinane, Mortemer	1373 Third avenue.
January	27	Clarke, Patrick	852 Sixth avenue.
January	27	Cronato, Frank	10 Roosevelt street.
April	7	Callaghan, Patrick	1082 First avenue.
February	10	Cayo, Joseph	46 Spring street.
January	13	Culhane, Cornelius	1050 Tenth avenue.
January	20	Cillim, Pasqula	35 Mulberry street.
January	13	Caneo, Lorenzo E	48 Clinton place.
March	10	Clark, Michael	507 West Forty-third street.
April	14	Connolly, Bernard	116 Madison street.
April	14	Cummiskey, Thomas	230 East Fifty-ninth street.
April	14	Clark, James	176 Madison street.
April	6	Cregan, John	785 Second avenue.

EXHIBIT No. 4. — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
March 3	Clark, Philip	216 East Fifty-ninth street.
March 10	Conradi, John	617 Sixth street.
February 23	Cresci, Paul	16 Roosevelt street.
December 8	Curran, Edward	321 West street.
February 16	Clancy, Patrick J	860 Second avenue.
February 10	Curry, Peter	584 Second avenue.
March 31	Curran, James F	123 Ridge street.
April 6	Carboni, John	98 Park street.
March 21	Clark, Owen	607 East Fifteenth street.
March 31	Nevoris, Jno. F	2350 Third avenue.
January 19	O'Neil, William	587 Grand street.
January 18	Oaks, Jno	355 Bowery.
January 5	O'Connor, Thomas	298 Hudson street.
January 26	O'Rourke, James	888 Seventh avenue.
February 9	O'Leary, Daniel	59 New Chambers street.
January 12	O'Neil, Cornelius	1450 Broadway.
January 26	O'Donnell, James F	312 West Forty-fourth street.
February 23	Osterreicker, Anton	425 East Seventy-second street.
February 23	O'Hanlon, John	376 Cherry street.
March 2	O'Brien, Toney	349 West Fifty-second street.
February 16	Kuodgen, Peter	45 Bowery.
January 19	Kassell, Frederick	218 William street.
January 19	Krauss, William	186 Monroe street.

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April	13	King, Frederick	142 Essex street.
February	9	Kempt, Ernest	72 Rivington street.
March	23	Keane, William	497 Lexington avenue.
March	23	Kelly, John H	162 Canal street.
March	23	Kelly, Patrick	256 West street.
January	26	Kenney, John	563 Eleventh avenue.
January	12	Kahrs, John	98 Monroe street.
January	5	Kirms, Ritters	3591 Third avenue.
January	19	Kloth, William	2198 Third avenue.
January	5	Kettner, Jacob	240 Delancey street.
February	9	Kerrigan, Thomas	137 West Twenty-eighth street.
January	19	Kelly, Michael	133 Washington street.
March	30	Kopp, Frank	107 Canal street.
April	26	Hickey, Daniel D.	564 Second avenue.
February	24	Hyland, Thomas F.	102 Center street.
January	6	Haggerty, Frederick	258 Madison street.
January	6	Hammel, John	736 Tenth avenue.
April	7	Hennicey, August	71 Roosevelt street.
April	7	Hollenback, Frank	334 East Seventy-third street.
January	26	Hoekter, William	1439 Second avenue.
January	5	Hister, Herman	281 Eighth avenue.
April	14	Herlihy, William	E. side Kingsbridge rd., 300 ft. S. 175th st.
April	14	Harting, Geo	2243 Third avenue.
February	17	Hopkins, Andrew	446 East Houston street.
February	16	Hippold, Joseph	604 West Forty-ninth street.
February	24	Hoffman, Joseph	15 Stanton street.
April	13	Helmke, John	969 Third avenue.
April	13	Hayes, Thomas	1512 First avenue.
March	3	Hickson, Richard	532 West Fifty-fifth street.
March	16	Hunt, Nicholas	299 Madison street.
March	2	Hirsch, Edward	756 Washington street.

EXHIBIT No. 4. — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
March 31	Harte, Paul	85 East Fourth street.
March 31	Hart, Denis	587 First avenue.
March 23	Housschild, John	55 Monroe street.
March 10	Hanff, William	139 East 123d street.
February 16	Hoffman, Matthew	143 Spring street.
March 3	Healy, Thomas	141 Mulberry street.
April 7	Heaney, John	67 James street.
January 5	Hefter, John B.	419 East One Hundred and Sixth street.
January 6	Herman, Lucas	613 Third avenue.
February 3	Hoyne, John H.	35 Madison street.
February 3	Henley, Timothy	11 Third avenue.
April 27	Adams, R. A.	122 Clinton place.
April 27	Ahrens, Henry	189 Hester street.
April 29	Enrice, Mossi	228 Thompson street.
April 10	Dore, James	1731 Broadway.
April 28	Di Palmo Raffael	337 East Eleventh street.
April 27	Morse, John	514 Sixth street.
April 27	Mirandi, Francesco	100 Mott street.
April 28	Ryan, James	77 Lexington avenue.
April 27	Livingston, George	724 Ninth avenue.
April 27	Shields, H. F.	298 Hudson street.
April 27	Kelly, John H.	14 Duane street.
1889.		
July 21	Risstedt, Hy	279 Bowery.
September 30	Coyle, John P.	585 Second avenue.

December	9	Cohen, Moses	192 Delancy.
December	30	Campbell, Peter	82 Centre street.
1890.			
March	30	Renwe, Louis H.	274 Broome street.
March	31	Roland, Henry	145 Third avenue.
February	27	Rottler, Bernhard	121 Broome street.
February	17	Roe, James	428 First avenue.
May	8	Ruddy, Luke	188 Third avenue.
March	2	Reifer, Henry	2251 Seventh avenue.
March	24	Ryan, Thomas	17 Chatham square.
March	31	Rehm, Michael	730 Westchester avenue.
March	24	Ross, John T.	61 West End avenue.
March	3	Regan, Patrick	206 Varick street.
March	31	Rogers, Michael	2238 Second avenue.
March	31	Robinson, Samuel	1957 Second avenue.
April	14	Ryan, Mark E.	704 Western boulevard.
April	14	Rohdenberg, Henry	2151 Eighth avenue.
April	14	Ross, Joseph	8 Elizabeth street.
January	20	Roettger, Julius	28 Rutgers place.
January	26	Reichhardt, ———	1757 Madison avenue.
January	20	Ries, Valentine	250 West Twentieth street.
January	20	Reddy, Patrick	41 Carmine street.
January	6	Rodgers, Ed.	795 Washington street.
January	6	Rosenberg, Joseph	122 Attorney street.
April	6	Potter, Marton	842 First avenue.
January	6	Peters, Henry	29 Third avenue.
January	27	Peschke, Otto	3 First avenue.
March	2	Powers, Dennis	1965 Third avenue.
April	14	Puccarelli, Michael	283 Mott street.
April	7	Pfeiffer, William	473 East Houston street.
March	31	Peters, Max	2393 Second avenue.

EXHIBIT No. 4 — INDICTED EXCISE CASES, ETC. — (*Continued*).

Date.		NAME.	Place of business.
1890.			
April	7	Plattner, Charles	122 Delancey street.
March	31	Peters, Frederick	628 Eleventh avenue.
March	24	Peters, Max	1393 Second avenue.
March	24	Puro, Ludwig	312 Mott street.
February	3	Posner, Simon	177 Clinton street.
March	30	Yaegel, Daniel	134 East Third street.
January	27	Zwieg, Rebbeca	86 Suffolk street.
February	3	Ziegel, Fritz	12 Styvant street.
January	6	Vogel, Robert G	855 Second avenue.
February	24	Vavra, Joseph	401½ East Seventieth street.
March	2	Van Glahn, Henry	152 South street.
March	17	Volker, John	107 Essex street.
January	19	Vincent, William H	18 Doyer street.
January	6	Volkerman, Andrew	74 Lewis street.
March	10	Vinilo, Fedell	128 Baxter street.
February	17	Valentine, Henry	227 William street.
March	30	Vagts, Ernest A	424 Greenwich street.
March	24	Vall, William	152 William street.
January	27	Jurgens, Herman	152 South street.
March	2	Jones, Edward L	63 New Bowery.
March	2	Jackson, William	1495 First avenue.
March	30	Unwin, Joseph	147 Park row.
January	13	Fallon, Joseph	682 Second avenue.
February	17	Feyundio, Lugie	156 Mott street.
January	27	Schaeffler, Frederick	Cor. 148th street and Fulton avenue.
January	20	Scheimisher, Philip	43 Clinton street.

January	26	Shirlow, John	137 Bowery.
January	6	Stern, Chas	341 East Forty-seventh street.
January	20	Smith, Thomas	15 Washington street.
January	27	Schimitzki, John	2341 Third avenue.
January	27	Schmelter, Theresa	136 Orchard street.
January	14	Slattery, Daniel	1131 Third avenue.
February	9	Sullivan, Cornelius	32 Hamilton street.
February	9	Siedenberg, Henry	1630 Broadway.
February	10	Saunders, Charles	275 Bleecker street.
January	17	Steller, Jacob	231 Broome street.
January	27	Sandwald, Peter	107 Hester street.
March	24	Quinn, Peter	245 East 121st street.
March	2	Quinn, Patrick	109 Varick street.
March	31	Quinlan, Hugh	22 Market street.
		1889.	
June	30	Bolte, Albert	256 Front street.
September	8	Busching, William	495 Second avenue.
September	8	Brady, Thomas	897 Third avenue.
September	9	Boss, Frederick	4213 Third avenue.
September	15	Baur, August	2412 Third avenue.
September	15	Bolger, Francis	1158 Second avenue.
July	28	Butker, Richard	409 East Thirty-fourth street.
June	23	Busse, Bernard	13 Chrystie street.
July	28	Bose, John	785 First avenue.
May	27	Binkert, Joseph	60 Stanton street.
July	15	Bilatti, Michael	165 Bleecker street.
July	15	Black, Paul	642 Fifth street.
July	21	Biekenbach, Jacob	62 Willett street.
May	20	Bean, John	92 Tenth avenue.
June	2	Burke, Michael	116 Madison avenue.
June	17	Buck, Joseph	20 Chatham square.
June	18	Brady, Thomas	301 Eighth avenue.
June	17	Baker, Richard	442 Eighth avenue.

Date.	NAME.	Place of business.
1889.		
June 17	Brennan, Thomas	29 Monroe street.
June 10	Brose, John	730 Eleventh avenue.
December 8	Burke, Martin	1 James slip.
August 19	Becker, George	Jerome Avenue Hotel.
August 19	Beuz, John	2148 Second avenue.
August 12	Byrne, William	697 First avenue.
August 12	Breen, John	2412 Third avenue.
August 12	Brandan, Henry	246 West Thirty-second street.
August 12	Beitermann, Ehrhardt	327 Spring street.
August 12	Brickley, John	N. E. corner 10 avenue and 185th street.
August 12	Burke, James	267 West Thirty-fourth street.
December 1	Baumann, Henry	14 Thirteenth avenue.
December 30	Bennett, Richard	368 Bleecker street.
December 9	Builder, John	423 West Thirty-ninth street.
December 9	Burtnett, Joseph	464 East 144th street.
December 9	Buicullar, John	407 Canal street.
December 22	Bonbelt, Katie	157 Forsyth street.
December 23	Brunges, Herman	146 Street and Brook avenue.
December 16	Burns, Martin	923 Second avenue.
December 16	Boulanger, Edward	207 West Thirty-second street.
December 16	Branigan, James	342 Seventh avenue.
December 16	Boucher, Thomas	166th street and Jerome avenue.
December 7	Ballard, George	243 Mulberry street.
December 7	Bucheler, ———	105 Stanton street.
June 24	Buckmann, John	23 Third avenue.

EXHIBIT No. 5 — May 23, 1890.

Excise Violations, Selling Liquor on Sunday, Complaints from May 1, 1889 to May 1, 1890.

Date.	NAME.	Place of business.
1889.		
October 21	Schroeder, Ernest	17 Cannon street.
September 1	Spingler, Charles	2019 First avenue.
June 2	Schmidt, Stephen	33 Dey street.
May 26	Shannon, John	1861 Third avenue.
May 27	Seigler, Charles	56 Orchard street.
May 19	Simott, Amos J	1897 Third avenue.
May 27	Smith, James	2429 Third avenue.
June 16	Schroder, Henry	320 Greenwich street.
June 14	Sohner, John	169 Second street.
July 21	Schade, William	620 Water street.
May 6	Schmidt, Adolph	415 West 125th street.
May 6	Share, James E	1698 Ninth avenue.
May 6	Schneider, William	Tenth ave. between 80th and 81st streets,
July 8	Siemers, George	166th street and Washington avenue.
July 8	Simmons, Max	Manhattan Hotel, 155th street.
July 8	Schecker, William	66 Broome street.
July 8	Schaffer, Frederick	316 West Thirty-sixth street.
September 16	Sutton, Charles J	2418 Third avenue.
September 9	Stapleton, John	145 First avenue.
September 8	Stedman, Garrett W	Bailey avenue, Kingsbridge.
September 8	Sichel, Eugene	1186 Second avenue.
September 8	Scully, Francis	281 Bowery.
September 2	Sherer, Frederick	1325 Third avenue.

EXHIBIT NO. 5. — EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
September 2	Schmidt, John	153 East Fourth street.
September 16	Schmidt, John	Southwest cor. Eight ave. and 15th street.
December 1	Smith, William	74 East 112th street.
August 18	Schwagere, Louis	394 Eighth avenue.
October 28	Anderson, Otto	48 Market street.
May 6	Albrecht, Frank	205 Hudson street.
July 22	Aaronson, Fanny	73 Bayard street.
July 29	Amsler, Jacob	South side One Hundred and Fifty-fifth street 200 feet west of Eighth avenue.
November 25	Althouse, Gustave	3476 Third avenue.
September 30	Armbruster, Leopold	1055 Third avenue.
May 27	Eagan, William	799 Seventh avenue.
May 12	Emmerich, Henry	2080 Second avenue.
June 17	Eckerkant, Joseph	173 Avenue A.
June 24	Ennis, Edward	516 Tenth avenue.
September 30	Emslin, Frederick	West side Eighth avenue between 154th and 155th streets.
September 16	Eymer, John	1673 Avenue A.
June 10	Eberley, Edward	1927 Second avenue.
December 9	Englott, Christian	150 East 113th street.
November 25	Engesson, Andrew	321 West Thirty-ninth street.
November 25	Eslberg, Engbert	157 East Twenty-second street.
August 12	Ellis, Edward	500 Sixth avenue.
August 26	Eberhardt, Dedrick	2068 First avenue.
September 2	Lawlor, Patrick	503 Third avenue.

September	9	Lowenthal, Adolph	327 Bowery.
July	21	Lennon, Peter	1909 Second avenue.
May	15	Lang, Charles	50 West 125th street.
July	8	Luhrman, John	1 Watts street.
July	20	Lappin, James	169 Varick street.
June	23	Lachtrup, Henry	1257 Broadway
June	24	Lang, Henry	144 East Fourteenth street.
June	16	Larsson, Gustav	434 Third avenue.
October	6	Schummacher, Conrad	1 Broome street.
October	21	Law, Charles	1815 Park avenue.
August	5	Leahman, Edward	155th street and New avenue.
November	25	Lenz, Mathias	773 Eleventh avenue.
December	30	Lang, Charles	2511 Eleventh avenue.
December	15	Lynch, Frank	63 Manhattan street.
December	9	Lennon, William	338 West Forty-eighth street.
August	10	Lloyd, John P	2427 Eighth avenue.
August	15	Lutz, Jacob	58 Willett street.
August	11	Steiner, Kate	427 East Fifty-ninth street.
August	9	Schroder, George	16 East Broadway.
August	19	Spankenberg, Emil	221 East Broadway.
November	4	Steraphine, Nicholas	Tenth avenue and 180th street.
June	17	Steafel, William	833 Washington avenue.
June	22	Strennor, Anton	560 Tenth avenue.
September	2	Schmidt, John	147 East Fourth street.
November	17	Steffens, William	2346 Second avenue.
November	24	Cullum, Patrick J	2293 Eighth avenue.
June	17	Sidle, Matthew	Steamer Black Bird.
June	17	Schmid, Charles	237 Fifth street.
November	4	Schmidt, Peter	352 West Thirty-eighth street.
November	25	Stern, William	100 East One hundred and Twenty-fifth st.
August	25	Schubremier, Philip	228 East Seventy-fourth street.

EXHIBIT No. 5—EXCISE VIOLATIONS, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1889.		
May 20	Seaman, Charles	349 East Fourteenth street.
September 22	Schmidt, Matilda	441 East Seventy-first street.
August 11	Spellman, John	147 Park Row.
October 7	Samwald, Peter	170 Hester street.
June 17	Schadrick, Paul	111 Seventh avenue.
November 24	Schinbeck, Henry	1759 Third avenue.
August 5	Meyers, William	21 Tenth avenue.
June 30	Mohr, John	124 East Houston street.
August 5	Montgomery, John	416 East Thirty-fourth street.
August 19	McNamara, Patrick	260 Seventh street.
August 18	Murphy, John	1344 First avenue.
August 4	McKenna, O. E	1602 First avenue.
August 4	Muller, Henry	313 East Sixtieth street.
August 25	Masin, Anton	404 East Sixty-fourth street.
August 26	Murphy, William	1715 Ninth avenue.
August 26	McCabe, James	1622 Ninth avenue.
November 25	Maurer, Martin	152 Stanton street.
November 24	McEver, Patrick	146 Cherry street.
November 24	McHugh, Frank	177 First avenue.
September 15	Miller, William	S. S. 155th street, 250 feet west of 8th av.
September 16	McDonald, Margaret	639 Brook avenue.
October 20	Maudle, Henry	36 Pitt street.
June 16	Mesam, John	103 Second avenue.
August 11	McKiernan, Patrick	1290 Third avenue.
November 11	Mehrtens, Henry	1409 Broadway.

November 11	Meyer, Charles L	1538 Ninth avenue.
September 22	Muller, Louis	1319 Avenue A.
September 29	McDermott, John	275 Avenue B.
September 30	McCarthey, James	10th avenue and 180th street.
September 9	Munch, James	Shaft 21 New Aqueduct.
June 16	McCaffrey, John	1967 Third avenue.
September 8	Monohan, Andrew	1 James slip.
July 21	McGowan, William	337 East Eleventh street.
May 20	Miller, Philip	215 East Fourth street.
July 21	Kane, Daniel	9 Bowery.
July 22	Kelly, Timothy	156th street and Third avenue.
July 15	Kostmayer, George	642 Second avenue.
July 29	Keller, Charles	East river.
July 18	Keegan, Patrick	1402 Second avenue.
June 3	Kelly, Charles J	206 East Thirty-fourth street.
September 2	Knoll, Emil	1228 Third avenue.
September 2	Kraatz, Fred. W	100 Park Row.
September 9	Kelly, Thomas	84 Third avenue.
September 16	Kopp, William	1754 Park avenue.
September 30	Keller, Charles	153 West Twenty-seventh street.
October 7	Killeen, James	Riverdale avenue.
December 9	Kelly, Michael	1082 First avenue.
September 9	Kennedy, John	622 Second avenue.
October 28	Keilhauer, Adam	386 First avenue.
July 14	Kauder, Joseph	214 Pearl street.
August 19	Kuhlmann, William	Jerome avenue.
August 25	Kelly, Bernard	1386 Second avenue.
August 25	King, William	2274 Eighth avenue.
August 19	Kelly, Michael	574 Grand street.
August 12	Kelly, Peter	155 Bleecker street.
August 26	Kohler, Theodore	91 Christopher street.

EXHIBIT No. 5. — EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
August 26	Koch, Fred	1642 Ninth avenue.
November 17	Kiely, John	2406 Eighth avenue.
November 3	Kennedy, John	417 East Nineteenth street.
June 10	Kenny, James	1187 Third avenue.
June 24	Kunz, John W	Depot place and Commerce street.
July 22	Keogh, Daniel	170th street and Jerome avenue.
July 15	Cox, Thomas G	116 Madison street.
May 13	Callum, Charles	90 South street.
May 6	Cashman, William	2695 Eighth avenue.
May 19	Chamberlain, William	333 Spring street.
October 7	Cordes, Henry	250 Sixth avenue.
September 2	Carroll, Charles	1373 Third avenue.
September 16	Costello, Lawrence	99th street and 9th avenue, N. W. corner.
September 15	Carmen, Alonzo	1491 Avenue A.
September 9	Cavanagh, James	586 Greenwich street.
September 8	Coleman, John	52 Spring street.
September 8	Colohan, Frederick	501 Third avenue.
June 24	Casey, James	2259 Tenth avenue.
June 24	Chandless, John	6 West Third street.
November 3	Clausen, William	2184 Eighth avenue.
November 30	Crowe, Matthew	N. W. corner Hester and Chrystie.
August 18	Carrol, Joseph	1451 Broadway.
August 19	Carroll, James	Steamboat Minnie Carroll, North river.
August 4	Cunningham, Patrick	215 East Fifty-ninth street.
August 5	Connnisky, Patrick	627 First avenue.

August	26	Clark, Frank	30 Prinke street.
August	26	Carrusso, Alfonso	22 Spring street.
August	5	Cunningham, John	Hookitts, Harrison street, North river.
October	13	Clinton, John	2389 Third avenue.
October	21	Costello, Thomas	57 Market street.
October	20	Chandler, George	134th street and Seventh ave., East cor.
May	27	Commiskey, Thomas	410 East Eighteenth street.
July	15	Connor, Patrick	686 Second avenue.
July	15	Conlon, Bernard	Steamer Thomas Hunt, North river.
August	12	Festner, Jacob	424 East Fifth street.
August	12	Flanagan, Michael	127 West Thirty-third street.
November	11	Flynn, Daniel	45 East Eighty-fifth street.
November	25	Faist, John	279 East Tenth street.
November	11	Frey, Frederick	439 West Thirty-seventh street.
September	15	Farrell, James	2501 Second avenue.
September	30	Fehenberg, Albert	N. S. 110th street, West Tenth avenue.
October	14	Feiss, George	142d street and Morris avenue.
October	14	Feldman, Henry	S. E. cor. Eighth avenue and 155th street.
October	14	Foster, Charles	30 West Fourth street.
October	7	Fabuzio, Guiseppe	40 Mulberry street.
August	5	Foley, Timothy	359 Third avenue.
July	21	Foley, John J.	1306 First avenue.
December	16	Feeley, Frank A.	1689 Ninth avenue.
December	15	Flannery, Thomas	391 Avenue A.
July	22	Flanigan, Pete	3038 Third avenue.
May	19	Fisher, Charles	2110 Eighth avenue.
September	1	Fredrichsow, Asmus	7 Harrison avenue.
September	3	Flanagan, Michael	1244 Second avenue.
September	9	Fleege, Ernst	" Wood Lawn."
June	17	Fox, Edward P.	933 Third avenue.
May	20	Gallagher, James	37 Front street.

EXHIBIT No. 5.—EXCISE VIOLATIONS, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1889.		
May 6	Glennen, Frank	383 West One Hundred and Fifty-third St.
May 13	Goodman, Joseph	416 Eighth avenue.
July 15	Grube, Henry	250 East Houston street.
July 15	Goldberg, Hannah	80 Clinton place.
July 14	Gerkin, Frederick	743 Thompson street.
July 29	Gannon, Michael J	464 Sixth avenue.
July 29	Goodless, Thomas	519 Sixth avenue.
July 22	Gates, Joseph	143 East One Hundred and Twentieth St.
July 22	Gallagher, James	519 Tenth avenue.
June 10	Gross, Franz	31 Attorney street.
September 2	Glassletter, Fritz	1407 Second avenue.
September 8	Gies, Louis	1633 First avenue.
November 21	Griffin, Patrick	217 East Ninety-seventh street.
December 16	Grossmann, Adolph	196 Henry street.
June 10	Geggens, Kate	177th street near Vyse avenue.
October 21	Glassmann, Charles E	440 West Twenty-eighth street.
August 4	Gordan, John	121 East One Hundred and Tenth street.
August 25	Gradedes, Henry	2123 First avenue.
August 12	Gauley, John	2188 First avenue.
August 18	Gleason, John	25 Monroe street.
August 19	Gordan, John	121 East One Hundred and Tenth street.
August 4	Gruner, George	1296 First avenue.
August 26	Gaffney, Lawrence	816 Sixth avenue.
August 26	John Gearing	2281 First avenue.
September 16	Huntenbury, Chris	427 Sixth avenue.

September	16	Honnecker, Joseph	S. W. cor. 155th street and 8th avenue.
September	16	Higgins, John	245 Seventh avenue.
September	16	Hannan, Michael	558 Seventh avenue.
September	16	Hoffman, John	1275 First avenue.
September	30	Huber, William	1345 Second avenue.
September	2	Hefker, Henry	160 West street.
September	2	Hughes, Patrick	467 Third avenue.
June	10	Helmerking, Albert	1222 Second avenue.
June	10	Hartin, Thomas	189 Park row.
October	21	Henkelder, George	3537 Third avenue.
June	16	Hossmann, Thomas	493 First avenue.
June	2	Helmerking, Albert	1222 Second avenue.
July	8	Hitz, Adolph	2035 Second avenue.
July	8	Harney, Phil. J	2020 Third avenue.
July	1	Harnett, Patrick	139th street and Third avenue.
July	29	Hanbut, Charles F	145 East Fourth street.
July	22	Hanson, Andrew E	1893 Vanderbilt avenue.
November	25	Hanck, Peter	312 West Thirty-ninth street.
July	22	Hart, John	415 Greenwich street.
July	22	Hnack, Joseph	1685 Weeks street.
December	29	Hogan, Thomas	328 East One Hundred and Sixth street.
December	9	Hirsch, Herman F	204 East One Hundred and Fourth street.
November	4	Hattmer, Philip	262 West Thirty-third street.
August	26	Healey, Dennis	2058 First avenue.
August	26	Hogan, Michael	466 Greenwich street.
August	4	Hilker, Ernest	1448 Avenue A.
December	2	Hammill, Thomas	2389 Third avenue.
November	17	Hart, Edward J	167 East Eighty-sixth avenue.
November	17	Hackett, James	217 East One Hundredth street.
June	17	Iomert, Charles	Eighth avenue and 155th street.
July	15	Isola, Daniel	81 Baxter street.

EXHIBIT No. 5. — EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
December 30	Ulich, Josephine	129 Suffolk street.
December 16	Jones, Clim	2401 Third avenue.
August 26	Johnson, William	286 Bowery.
October 6	Jiantzky, Michael	235 Second street.
October 6	Jackson, Thomas	100 East One Hundred and Twenty-fifth st.
May 27	Joyce, Charles	496 East One Hundred and Forty-sixth st.
May 5	Jantzen, Henry	106 Wooster street.
May 13	Jachens, John	478 Fourth avenue.
June 17	Becker, John	136 Pitt street.
June 17	Beampain, Henry, Jr	660 Third avenue.
August 18	Blakely, John	520 Sixth avenue.
June 16	Brady, Henry M	114 Greenwich street.
June 2	Bowes, Peter	312 Spring street.
June 3	Bolda, William	23 East Seventeenth street.
June 9	Bowers, William	74 East One Hundred and Twelfth street.
October 20	Behrans, Fred	2052 First avenue.
October 7	Bayer, George	216 Fifth avenue.
November 24	Brown, George	1866 Park avenue.
August 11	Brooereng, John	270 Pleasant avenue.
August 5	Borshert, Henry	114 Manhattan avenue.
December 23	Bochneg, Robert	2346 Second avenue.
October 13	Bixer, Herman	416 First avenue.
October 28	Blurt, Matthew T	167 East Eighty-seventh street.
August 19	Brady, John	411 Sixth avenue.
November 11	Beuer, Herbert P. C	749 East 144th street.

December 1	Bock, Mary	234 East 102d street.
November 25	Bauer, Jacob	216 East Ninety-eighth street.
September 8	Barnett, Louis	388 West street.
November 18	Bull, George C.	N. E. 146th street and Willis avenue.
June 16	Butler, William	1430 Third avenue.
June 17	Burnham, Emily	Bainbridge avenue near Rockfelt street.
August 19	Brant, Peter	1605 First avenue.
August 4	Bilek, Thomas	1121 First avenue.
August 19	Brede, John	250 Sixth avenue.
August 18	Beckman, William	263 Seventh avenue.
August 26	Blake, Patrick	1396 Ninth avenue.
December 9	Buetenback, Joachim	62 Willett street.
May 27	Armston, George	2311 Third avenue.
July 29	O'Toole, Peter	On steamer D. R. Martin, East river.
June 10	O'Rourke, Patrick	2102 Third avenue.
September 8	O'Rourke, John	206 Grand street.
September 8	O'Connor, Cornelius	45 New Bowery.
September 9	O'Connor, Thomas	298 Hudson street.
October 20	O'Reilly, Patrick F	22 Bedford street.
January 5	Oest, William	442 Second avenue.
August 5	O'Hara, William	1512 First avenue.
August 26	Ozab, Caroline	166th Street and Railroad avenue.
August 12	O'Neill, Daniel S	1329 Broadway.
August 13	Oerter, Charles	1524 Avenue A.
August 26	O'Brien, John	2 West street.
December 1	O'Reilly, Miles	69 Gansevoort street.
December 15	O'Reilly, Hugh	146 Monroe street.
December 1	Oudin, Charles	38 Carmine street.
October 14	Paudolphi, Gaetano	314 East 107th street.
August 10	Pettib, Charles H.	2625 Eighth avenue.
August 4	Phillips, Thomas	504 First avenue.

EXHIBIT No. 5. — EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
August 12	Poppe, Henry W	1906 Park avenue.
August 12	Pipota, Joseph	50 Avenue B.
August 26	Provost, Frank	2592 Third avenue.
August 26	Pye, John	109 West Houston street.
November 24	Pierson, Edward	526 Canal street.
November 25	Porlier, John J	228 West Twenty-eighth street.
June 24	Pfan, Lee	520 Sixth avenue.
September 8	Perry, John F	101 Greenwich avenue.
September 9	Pettit, Charles F	2625 Eighth avenue.
April 29	Henry, Nehman	452 Broome street.
May 6	August, Neitheimer	2711 Eighth avenue.
September 8	Norris, William	650 Washington street.
November 11	Nobiensky, Charles F	201 East Eighty-eighth street.
October 28	Nagel, Charles, Jr	2750 Eighth avenue.
August 19	Tews, August	2027 Third avenue.
October 28	Thompson, Edward	8 Elizabeth street.
September 23	Tobin, Patrick	3264 Third avenue.
September 8	Tynan, Michael	520 Broome street.
September 16	Tierney, Michael	480 Tenth avenue.
September 16	Trainor, Owen	384 Tenth avenue.
September 16	Taylor, Henry	435 Tenth avenue.
September 9	Tompkins, William	146 Sixth avenue.
September 2	Tews, August	2027 Third avenue.
July 29	Trogler, Charles	428 Fifth street.
July 22	Travis, Patrick	561 Seventh avenue.

May	13	Talby, Peter D	1801 Lexington avenue.
May	17	Thiry, Rudolph	131 Allen street.
July	29	Uhleman, Frederick	392 Sixth avenue.
July	15	Vallinotti, John	431 Canal street.
June	17	Vaughan, William F	1194 E.One Hundred and Fortieth street.
June	17	Voelcker, Philip	Cosmopolitan park, 169th St. and 10th ave
September	15	Vonder Leith, Richard	2341 Third avenue.
October	14	Zollarelli, Ernest	2208 First avenue.
September	9	Buckley, Michael	375 First avenue.
August	12	Buch, Minnie	55 Rutger street.
December	30	Bartels, Ludwig	2387 Third avenue.
September	16	Butler, Walter	199 Worth street.
September	22	Brennan, John	376 Cherry street.
July	28	Bazzo, Frank	27 Mulberry street.
July	29	Beichett, Frederick	431 East Eighty-sixth avenue.
July	7	Branagan, William	2415 Second avenue.
July	8	Burch, Charles	101 Avenue A.
September	8	Brice, John W	65 Bowery.
September	9	Brandach, William	96 Sixth avenue.
July	22	Bingham, David	486 Seventh avenue.
July	22	Brantigane, Dittmer	340 Third avenue.
September	30	Byrnes, John	227 East Eleventh street.
		Brophy, Patrick	Void.
July	8	Brophy, John T	70 Avenue C.
July	14	Branagan, Joseph	2415 Second avenue.
July	15	Barnes, Frederick	785 Sixth avenue.
May	12	Bush, John H	1733 Avenue A.
May	13	Barry, James	434 Third Avenue.
May	20	Buck, George	313 Canal street.
May	13	Dudenhausen, William	147th and Eighth avenue, N.W. corner.
June	3	Donovan, John	499 Seventh avenue.

EXHIBIT No. 5. — EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
June 10	Dempsey, Patrick	1131 Third avenue.
June 24	Davis, Ignatz	40 Essex street.
June 30	Dolphin, Edward	274 West street.
July 15	Dwyer, William	521 Canal street.
July 22	Doudiro, Eurico	20 Mulberry street.
July 29	Dooley, Bryan	Lynd avenue and Devoe street.
July 29	Deweil, Christian	84 East Third street.
September 16	Duffy, Patrick	261 Third avenue.
September 23	Dundas, Alfred	155th street and Eighth avenue.
October 13	Doran, Charles	148 Washington street.
August 5	Dowling, John J	1313 Second avenue.
August 5	Dugan, Patrick	326 First avenue.
August 11	Dempsey, Patrick	1131 Third avenue.
August 25	Dougherty, Patrick	2339 Third avenue.
August 26	Dormellan, Michael	515 Hudson avenue.
August 26	Diecker, Frederick	2970 Third avenue.
August 27	Dibble, Frederick B	28 Bowery.
October 28	Deugel, Matthew	729 East 177th street.
December 1	Dahlman, Fred	213 East One Hundred and Second St.
December 1	Devlin, James	2597 Eighth avenue.
December 15	Bell, Thomas	2711 Eighth avenue.
December 30	Dross, Orgenia	2771 Eighth avenue.
July 1	Rosenhain, Jacob	1345 Second avenue.
July 1	Ryan, William	147th street and South Boulevard.
July 1	Ruddimann, ———	139th street and Morton avenue.

July	29	Reilly, John	38 Second avenue.
July	29	Ryan, Thomas	612 Sixth avenue.
April	29	Reilly, Patrick	20 Fulton Market.
July	22	Ryan, William M	2592 Third avenue.
May	27	Reilly, Lawrence	1138 Ninth avenue.
June	11	Reilly, James	1475 First avenue.
June	17	Retagliata, George	87 Park street.
June	24	Rutoff, Charles	Steamer Lenox, North river.
June	30	Riggs, John J.	395 Third avenue.
August	5	Ruhl, John	534 East Fourteenth street.
August	5	Reynolds, John F	1213 Third avenue.
August	19	Reilly, Richard	281 Third avenue.
August	18	Rosesso, Andrea	66 Thompson street.
August	26	Rheinback, Henry	1764 Tenth avenue.
September	2	Rather, Henry	10 Madison square.
September	2	Rourke, Thomas	1271 Third avenue.
September	2	Ronan, Thomas W	699 First avenue.
September	8	Reilly, Bernard	1881 First avenue.
September	8	Rannann, Apolph	119 Bowery.
September	9	Rosenzweig, David	193 Division street.
November	4	Regsky, Stanislaus	500 East Eighty-third street.
November	17	Resch, Henry	387 Fourth avenue.
July	28	Weaver, W. J	619 Second avenue.
July	29	Watson, William	326 West Twenty-sixth street.
July	8	Wolf, Henry P	Steamer Thomas A. Morgan, in East river.
May	20	Wall, William J	41 Katherine street.
July	15	Walsh Charles	309 Pearl street.
July	14	Willen, William	210 East Twenty-third street.
September	2	White, Frank	2389 Third avenue.
September	2	Whichman, Albert	529 West Thirty-sixth street.
September	8	Woods, Patrick	109 West Houston street.

EXHIBIT No. 5.— EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
September 9	Weiscowitz, Morris	11 First street.
September 15	Weidman, George	2200 Second avenue.
September 23	Walsh, Patrick	2339 Third avenue.
September 22	Wichussen, Henry	118 Greenwich street.
August 21	White, Frank	2389 Third avenue.
August 12	White, Timothy	467 Sixth avenue.
November 10	Wachtel, Theodore	1448 First avenue.
November 30	——, Patrick	S. W. cor. W. Houston and Thompson.
May 20	Murphy, William	73 East Fifty-ninth street.
June 10	McEvoy, William	1138 Second avenue
September 1	Miller, Julius	70 East Eleventh street.
May 12	McNally, Paul	10th avenue, northeast cor. 81st street.
October 21	Moher, John	218 East Eighty-first street.
September 8	Meisemberg, Robert	972 Second avenue.
December 15	Mele, Michael	311 East Tenth street.
December 15	Myer, John	2080 Second avenue.
December 15	Mackey, Frank	1655 Ninth avenue.
December 16	Menken, Henry	1748 Madison avenue.
May 14	McGurk, J. H.	73 East Houston street.
October 18	McCormick, John	17 Montgomery street.
September 30	McGuire, C. P.	436 Essex street.
October 14	Mohr, John	218 East Eighty-first street.
August 5	McGowan, James	Barge William Myers, foot Harrison street, North river.
September 2	McEvoy, Dennis	219 Canal street.

September	2	McKiernan, Patrick	1290 Third avenue.
October	13	Mahoney, Jas.	146 Monroe street.
May	13	Muller, Mary	South Fifth avenue.
September	23	Peschke, Otto	3 First avenue.
September	30	Pandolfi, Gaetana	314 East One Hundred and Seventh street.
May	20	Pfister, George	88 Park row.
July	8	Peverili, Pasquale	126 Seventh street.
June	10	Peters, Louis	321 East 122d street.
June	10	Peterson, Hermann	1990 Second avenue.
September	2	Pfleiderer, Christian	84 Delancy street.
1890.			
February	23	Hook, Ben	16 Clonton place.
February	17	Homeyer, William	454 Greenwich street.
March	31	Horton, Abraham	523 Grand street.
April	7	Hollendick, Louisa	N. E. Cor. Fifth avenue and 103d street.
March	17	Heaney, John	67 James street.
March	23	Horser, Henry	1604 Second avenue.
January	5	Harms, Henry	1748 Madison avenue.
April	6	Heins, George	130 West street.
December	2	Hannon, Daniel	2322 First avenue.
February	3	Hughes, James	Albany Post Road, 100 feet W. of B'way.
January	10	Heinrich, William	164 East One Hundred and Sixth street.
January	27	Hebwer, Frederick	103 West Twenty-fourth street.
February	2	Hessen, William	1374 Third avenue.
March	2	Healy, F. D.	185 Madison street.
January	5	Hartzen, Herman	1459 First avenue.
April	6	Rooersi, Leo	119 Third avenue.
April	6	Reiter, Henry	2251 Seventh avenue.
February	17	Reielt, Peter	515½ Pearl street.
March	9	Rotuno, Antonio	340 East One Hundred and Tenth street.
March	23	Reardon, Edward	1900 Park avenue.

EXHIBIT No. 5. — EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1889.		
February 23	Rohde, Nicholas	2200 Second avenue.
April 7	Ross, James	182d street and Valentine avenue.
January 13	Rosa, James	105 Thompson avenue.
January 20	Reilly, Patrick	513 West Twenty-seventh street.
January 20	Reilly, Patrick	515 West Twenty-seventh street.
January 20	Rocks, Max	2785 Eighth avenue.
March 9	Elsasser, Adolph	104 East One Hundred and Tenth street.
February 10	Eugelke, Martin	96 E. One Hundred and Twentieth street.
February 4	Ebling, William	1055 Park avenue.
January 6	Conerty, James	121 East One Hundred and Tenth street.
January 13	Oilleo, Vincenzo	319 E. One Hundred and Fifteenth street.
January 6	Coursen, William	82 Sixth avenue.
March 24	Collins, Patrick	100 East Tenth street.
March 24	Cavanagh, Frank	75 University place.
February 23	Cronin, Bartholemew	134th street and Madison avenue.
March 23	Clark, John	2461 Sixth avenue.
March 2	Kavanagh, Patrick	113 Greenwich street.
March 23	Clark, Frank	1602 First avenue.
March 9	Devine, James	100 E. One Hundred and Tenth street.
March 17	Dumas, Charles	1305 First avenue.
March 14	Deserts, Francis	212 Worcester street.
February 23	Denningler, Ignatz	2058 Second avenue.
April 14	Divgler, John	424 First avenue.
February 10	Docing, Henry	1488 Second avenue.
March 27	Doyle, Edward	2034 East 109th street.

March	2	Thomson, Charles	164 East Twenty-ninth street.
March	30	Timm, Edward	90 Bleecker street.
February	23	Tanby, Charles A	75 South street.
April	6	Tumelty, J. F.	100 East 125th street.
April	17	Troy, Joseph	W. S. Eighth ave., bet. 154th and 155th st.
December	2	Tinken, Richard	969 Third avenue.
January	6	Conerty, James	121 East 110th street.
January	13	Cilleo, Vincengo	319 East 115th street.
January	6	Coursen, William	82 Sixth avenue.
March	24	Collins, Patrick	100 East 102d street.
January	5	Schermeister, Charles	152 West 124th street.
March	2	Shea, Timothy	167 Bleecker street.
February	24	Scheittle, Arnold	136 Bleecker street.
April	7	Schmidt, Mary	947 Washington avenue.
March	23	Sweeney, Stephen	N. E. corner Seventh ave. and 132d st.
February	10	Schmeidkamp, John W	1434 Avenue A.
February	3	Schultz, Conrad	235 East 107th street.
February	3	Schelinger, Joseph	21 South Fifth avenue.
January	19	Scully, Frank	281 Bowery.
January	12	Schwanewede, Henry	150 East 106th street.
March	24	Cavanagh, Frank	75 University place.
February	23	Cronin, Bartholemew	134th street and Madison avenue.
March	23	Clark, John	2641 Sixth avenue.
March	2	Cavenagh, Patrick	115 Greenwich street.
March	23	Clark, Frank	1602 First avenue.
March	9	Devine, James	100 East 110th street.
March	17	Dumas, Charles	1306 First street.
March	14	Deserts, Francis	212 Worcester street.
February	23	Denningler, Ignatz	2058 Second avenue.
April	14	Divgler, ———	424 First street.
February	10	Docing, Henry	1488 Second avenue.

EXHIBIT No. 5. — EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
January 27	Doyle, Edward	234 East 109th street.
January 6	Mitchell, Michael	398 Second avenue.
January 12	Mailer, Jeremiah	1901 Second avenue.
January 27	Marks, Carl	305 Sixth street.
January 5	Miller, Anthony	1187 Third avenue.
January 20	McManus, ———	1602 Park avenue.
February 30	Marsel, Charles F	1141 Park avenue.
February 3	McElherny, James	400 East Eighty-second street.
February 9	Mills, Edwin H	177 West street and Third avenue.
February 16	McGahey, James	2641 Tenth avenue.
February 14	McPhillips, Edward	524 West Forty-fifth street.
February 17	Mardo, Edward	239 South Fifth avenue.
February 17	McCabe, Charles	143 East 120th street.
February 16	McCaffrey, John	1967 Third avenue.
February 16	McCaffrey, William	1883 Third avenue.
March 17	Meyer, Benjamin	84 Avenue B.
March 17	McQuillan, Thomas	68½ Carmine street.
March 16	Marglois, Eli	96 Ludlow street.
March 10	Mercanton, Jacob	139 Bleecker street.
March 9	Muller, Henry	46 Division street.
March 24	Marino, Felicia	340 East One Hundreth and Tenth street.
March 2	McLaughlin, Michael	593 First avenue.
March 17	Morgoran, Frank	156 Worcester street.
March 30	McGuinnas, John	467 Third avenue.
April 6	Mullen, John	2350 Third avenue.

September	23	Miller, Jacob	195 East Third street.
April	14	Price, James	1149 Fifth avenue.
April	14	Papulka, Annie	79 Willett street.
April	6	Radico, Sebastin	76 Mulberry street.
January	20	Zankl, Joseph	1674 Main street.
April	15	Vederam, Michael	58 Mulberry street.
April	7	Van Boylen, Christopher	2276 First avenue.
April	7	Van Desando, George	2387 Third avenue.
June	17	McFullen, John	702 Greenwich street.
February	16	Miller, George	83 South street.
1889.			
May	19	Gardner, Tobias	25 Suffolk street.
August	4	Lynch, James	29 West Third street.
March	23	Kelly, Thomas	307 East Eleventh street.
February	2	Kalakoyskie, Otto	2651 Tenth avenue.
September	8	Jaronim, Fred	500 First avenue.
October	27	Geon, Richard	2102 Third avenue.
December	29	Clark, Theodore	191 East Broadway.
June	30	McMahan, Michael	326 Avenue A.
August	25	McCormick, Patrick	22 Bedford street.
October	20	Reilly, John T	17 Fulton street.
March	24	Zeigler, Christian	1647 Second avenue.
September	15	McGuinness, James	941 Second avenue.
August	28	Quinlan, George	1257 Broadway.
1890.			
January	5	Bernor, Edward	418 Eighth avenue.
January	10	Black, Eugene	1457 Third avenue.
January	6	Baum, Andrew	448 West Fortieth street.
January	5	Beremsi, Antonio	36 Grand street.
February	3	Buckley, William	2293 Eighth avenue.
February	3	Broderick, Michael J	697 Morris avenue.

EXHIBIT No. 5.—EXCISE VIOLATIONS, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1890.		
February 2	Bartels, Henry	19 West Twenty-sixth street.
March 3	Behr, Ernest	171 Eldridge street.
March 24	Burgess, Peter	46 Clinton place.
March 24	Busch, Basilius	2356 First avenue.
March 31	Buchman, Lawrence	S. E. cor. S. Boulevard and 137th street.
March 24	Boss, John	1503 Ninth avenue.
April 7	Baer, Rudolph	Edgecomb avenue and 170th street.
January 27	Werner, Christopher	611 East Ninth street.
April 6	Wittenborg, Gustave	350 East Eighty-fifth street.
March 24	Wornecke, Frederick	265 Bowery.
March 10	Winsch, Louis	1275 Third avenue.
March 3	Weidhorn, Chas	317 East One Hundred and Fifteenth st.
1889.		
September 9	Walsh, Joseph	393 Third avenue.
1890.		
February 17	Weber, Leo	464 Lexon avenue.
February 3	Werner, William	169 Avenue C.
March 31	Werlondorf, Chas	139 West Thirty-third street.
February 10	Weiss, Albert	2151 Second avenue.
February 3	Wellbrock, Benjamin	1631 Madison avenue.
February 3	West, William	211 East 122d street.
February 3	Welsh, Henry	137th street and S. Boulevard.
January 20	Will, Frederick	2459 Second avenue.

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March	3	Winslow, Elaney	158 Fourth avenue.
January	5	O'Rourke, Michael	218 East 102d street.
February	9	Osborn, Henry	668 Eighth avenue.
March	23	O'Brien, Bridget	334 East 110th street.
1889.			
July	28	O'Neil, Michael	423 Third avenue.
January	13	O'Brien, Francis	361 First avenue.
February	16	Kuhn, Otto	80 Park row.
1890.			
February	2	Koppialky, Oscar	1341 Third avenue.
February	2	King, Catherine	339 East 109th street.
January	19	Kulge, Richard	Southwest cor. 4th ave. and 32d street.
January	26	Keyes, William	100 East 125th street.
April	13	King, Jacob	339 East 109th street.
April	13	Kinig, Charles	South side 155 West Eighth avenue.
February	23	Kassane, Patrick	2350 Third avenue.
February	16	Kennedy, Patrick J	1430 Third avenue.
March	30	Kettner, Frederick	University place.
March	2	Fitzpatrick, ——	1848 Third avenue.
January	28	Flack, Ernest	1488 Second avenue.
February	17	Fitzpatrick, John	252 East Seventy-fourth street.
March	17	Fitzgibbons, Daniel	2311 Third avenue.
March	17	Festner, Jacob	424 East Fifth street.
January	26	Fenknopt, Louis	137 Eldridge street.
January	6	Fuchs, Albert E	87 Rivington street.
January	2	Fedderson, Hermann	2151 Eighth avenue.
January	20	Frunz, Henry	128 East Eighth street.
January	12	Loziro, Anthony	36 Grand street.
March	23	Lee, William	78 Third avenue.

EXHIBIT No. 5. — EXCISE VIOLATIONS, ETC. — (*Continued*).

Date.	NAME.	Place of business.
1890.		
March 31	Leickhardt, August	138 East Third street.
March 17	Lawler, Patrick	503 Third avenue.
March 17	Lent, Alvah	2406 Eighth avenue.
February 16	Lynch, Matthew	1981 Third avenue.
March 2	Lillis, William	1848 Second avenue.
March 31	Lawther, Maggie	2346 Second avenue.
March 10	Lowenstein, William C.	2042 Third avenue.
March 2	Lehane, James	301 West 145th street.
March 17	Leary, John	Riverdale avenue and River street.
February 10	Landa, Joseph	1432 First avenue.
January 29	Lahiff, Arthur	2239 Second avenue.
January 3	Lamb, Peter	2248 Third avenue.
March 3	Groling, Christian	86 Willett street.
March 3	Goldman, Samuel	179 Second street.
March 3	Gearon, William	1900 Park avenue.
March 17	Gering, Adolph	218 West Sixty-fifth street.
January 26	Gottheimer, Edward	19 East Eighth street.
February 10	Georgi, Michele	233 East Tenth street.
January 13	Glocker, Fred	107 East Third street.
March 19	Grossman, Abraham C.	92 Hester street.
March 3	Schneider, Bernez	179 Division street.
February 17	Schaub, Adam	151st street and Morris avenue.
February 6	Shevlin, Thomas	438 Eleventh avenue.
April 6	Smith, Howard	25 Lenox avenue.
April 7	Shade, William	106 Third avenue.

January	20	Quinn, Matthew H	2321 Second avenue.
March	16	Quinlan, Maurice	450 Pearl street.
March	30	Quinn, John	2591 Eighth avenue.
April	27	Kron, Charles A	699 Courtland avenue.
April	27	McGirr, Terence	643 Eleventh avenue
March	9	Vorrath, Geo	N. W. cor. Fourth avenue and 110th St.
1889.			
October	27	Donohue, Michael	104th street and Third avenue.
1890.			
January	26	Hooley, Morgan	186th street and Washington avenue.

EXHIBIT No. 6—May 23, 1890.

Excise Violations—Selling Liquor Without License—Complaints from May 1, 1889, to May 1, 1890.

Date.	NAME.	Place of business.
1889.		
August 4	Fleming, Patrick	19 Chatham square.
August 14	Fuiley, James	154 Franklin street.
September 21	Finck, John	335 West Thirty-seventh street.
September 25	Fredericks, James	142 Bleecker street.
December 11	Faggelo, Michael	175 Mulberry street.
May 17	Fanning, Thomas	East corner 170th street and 4th avenue.
June 4	Farrel, Annie	237 West Sixtieth street.
September 8	Glaser, Abram	731 St. Ann avenue.
September 24	Gill, Michael	194 South avenue.
June 20	Greer, Thomas	337 Eighth avenue.
September 9	Hahn, August	1441 First avenue.
June 1	Harms, Patrick	N. W. cor. Madison avenue and 134th st.
July 4	Hough, Walter E	2344 Eighth avenue.
October 14	Heamann, Christian	Washington ave., bet. 166th and 167th sts.
June 2	Brinckerman, Henry	319 Bowery.
June 2	Brandan, Henry	346 West Forty-second street.
August 31	Back, Chas	Third avenue, 90th and 91st street.
August 5	Bassler, Chas	Barge Summer, North river.
January 14	Keating, Michael J	58 New Chambers street.
March 16	Nelson, Albert	8 Carlisle street.
January 25	Teirs, August	2027 Third avenue.
April 2	Thompson, Chas	97 Cherry street.

1890.			
April	9	Schmidt, Henry	24 Sullivan street.
March	20	Straug, William	207 Forsyth street.
March	6	Steinbrenner, Arthur	2346 Second avenue.
March	24	Ghiglione, Giocaino	91 West End avenue.
April	13	Goldstein, Harman	85 East Broadway.
March	28	Gerken, John	94 Oliver street.
March	17	Polegia, Annie	214 Pearl street.
1889.			
August	31	Adler, Albert	Third avenue, bet. 90th and 91st streets.
May	22	Steinman, Fritz	74 West Broadway.
June	23	Schariry, Henry	43 West Third street.
August	31	Scheffler, Hubert	Fifth avenue, bet. 90th and 91st streets.
1890.			
January	20	Nuis, Henry	1590 Second avenue.
1889.			
December	2	Weber, Ed. T	381 Canal street.
May	26	Winzel, Alois	104 West Eighteenth street.
1890.			
February	9	Ringslorf, John	144th street and Willis avenue.
March	6	Reilly, Philip	127 Avenue C.
March	14	Roe, James	127 Avenue C.
March	5	Raff, Carl	127 East Thirty-seventh street.
April	9	Lawson, Harry	103½ Cherry street.
1889.			
December	29	Morris, Henry	138 Forsyth street.
November	7	Moynehan, Patrick	2188 First avenue.
December	22	McEleer, Patrick	138 Fourth avenue.
October	13	Molloy, Mary	Shaft 21, New Croton aqueduct.
October	29	Mack, Henry	28 Whitehall street.
March	30	Max, Wolf	139 Madison street.

EXHIBIT No. 6.—EXCISE VIOLATIONS, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1890.		
April 5	Aquill, Mary	94 Cherry street.
April 2	Balling, Eliza	6 James street.
January 22	Brand, Eugene	22 West Twenty-second street.
January 14	Bulmer, Joseph A	697 Morris avenue.
March 19	Bergin, William	6 James street.
February 23	Stongen, Louis	236 Cherry street.
January 12	Wall, Joseph	1562 Avenue A.
March 20	White, Frank	2401 Third avenue.
April 8	Wulbeke, William	13 Oliver street.
1889.		
October 1	Pape, Jacob	70 East Fourth street.
August 5	Thompson, James	154 Franklin street.
October 23	Thorp, Sarah	219 East Twenty-eighth street.
August 2	Young, Peter	754 Eighth avenue.
June 17	Zuckerbrode, Marcus	4 Montgomery street.
May 18	Zilzer, Henry	26 Stanton street.
June 14	Dolan, John	761 First avenue.
May 13	Reilly, Joseph	295 Elizabeth street.
May 19	Raab, William	378 Grand street.
May 29	Robbins, Samuel	127 West Thirty-second street.
July 17	Rayser, G. Paul	237 West Thirty-third street.
October 27	Cassidy, John	576 Robbins avenue.
July 11	Keill, George	220 Sixth avenue.
June 2	Knoll, Paul	529 West Thirty-sixth street.

EXHIBIT No. 7 — MAY 23, 1890.

EXCISE VIOLATIONS — KEEPING OPEN AFTER HOURS — COMPLAINTS FROM MAY 1, 1889, TO MAY 1, 1890.

Date.	NAME.	Place of business.
1889.		
July 19	Knief, Henry	1111 First avenue.
June 4	Kohlmeyer, Dietrick	17 Rivington street.
September 13	Kelaher, Peter	61 South street.
December 19	Kettner, Charles	28 Mulberry street.
August 29	Kelly, Thomas	2243 Third avenue.
June 1	Keam, Thomas	1257 Broadway.
September 12	Connolly, Lewis	128 West Houston street.
June 14	Cordes, Herman	31 Forsyth street.
June 14	Carroll, Peter	223 Third avenue.
October 2	Connelly, James	587 Grand street.
1890.		
January 1	Cornato, Frank	10 Roosevelt street.
1889.		
November 10	Clifford, Robert	64 Stanton street.
June 8	Cassidy, John	116 Bowery.
June 6	Coughlin, Patrick	129 West Twentieth street.
June 12	Cronter, James	288 Front street.
June 13	Coyle, Frank	618 Eighth avenue.
August 29	Cosgrove, Michael	1659 Third avenue.
June 6	Reuschach, Hans	518 Sixth avenue.
June 7	Ryan, William	390 Third avenue.
June 13	Rhom, James F	228 West Twenty-seventh street.
June 14	Reilly, Richard	281 Third avenue.

EXHIBIT No. 7.—EXCISE VIOLATIONS, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1889.		
August 27	Reuml, Frederick	353 Broome street.
August 28	Ryan, William	519 Sixth avenue.
September 6	Rush, William	1901 Washington avenue.
October 1	Ryan, William	390 Third avenue.
October 1	Reilly, Richard	281 Third avenue.
April 24	Ryan, Lawrence	2695 Eighth avenue.
June 5	Rodenald, August	192 Washington street.
August 14	Rooney, James	1531 Broadway.
May 21	Ackerman, Henry	520 Sixth avenue.
January 4	Archer, Paul G	199 Worth street.
October 3	Lang, Bernard	3 Forsyth street.
July 17	Short, John	142 Third avenue.
October 2	Schneider, Jacob	146 Suffolk street.
October 3	Steinmetz, Fritz	74 East Houston street.
September 24	Schroeder, William	112 Sixth avenue.
November 22	Stern, William	100 East 125th street.
1890.		
January 14	Carroll, John	28 Bowery.
January 8	Connelly, B. J.	116 Madison street.
1889.		
November 13	Myers, Joseph	341 Seventh avenue.
November 4	McCall, Thomas	44 Rutger street.
June 4	Martin, H. J	226 Broome street.
August 14	McPike, Charles	372 Sixth avenue.
May	Melbourne, Alfred	33 West Twenty-ninth street.

October	1	McKnight, George	77 Hester street.
October	4	McMahon, Bernard	123 Essex street.
June	14	McKeon, Thomas	73 Chrystie street.
1890.			
February	15	Weyreuch, William	23 Rivington street.
February	15	Webster, Frank C.	212 Broadway.
June	14	Wagner, Philip H.	126 Third avenue.
February	22	Vincent, William H.	18 Doyer street.
February	15	Young, William	16 Bowery.
January	15	Zimmerman, Max	185 West street.
January	7	Feline, Louisa	66½ Thompson street.
1889.			
August	29	McConnell, Michael	488 Third avenue.
August	27	Moraty, John	1 Chatham square.
August	27	McBride, John	206 Grand street.
June	8	Mechow, Emil	526 Canal street.
September	11	McDonald ———	S. E. cor. Lincoln Ave. and S. Boulevard.
August	27	McLaughlin, William	20 Bowery.
August	27	Maher, John	117 Hester street.
September	11	Mansfield, William	2995 Third avenue.
September	12	McKey, Joseph	458 Eighth avenue.
September	12	Martin, P. H.	9 Bowery.
September	13	Mallory, John H.	17 and 19 Chatham square.
August	28	McLaughlin, M.	320 Seventh avenue.
December	10	Moyer, Charles	372 Sixth avenue.
June	18	Murray, John	114 Bowery.
1890.			
January	14	Carroll, John	28 Bowery.
January	8	Connelly, B. J.	116 Madison street.
January	15	Carroll, Michael	503 Third avenue.
January	27	Clifford, Robert A.	74 East Houston street.

EXHIBIT No. 7.—EXCISE VIOLATIONS, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1890.		
February 15	Corbett, Thomas J	88 Third avenue.
January 18	Cojeni, Loretta	240 Spring street.
February 22	Devos, Emanuel	132 Chrystie street.
February 13	Dunn, Michael	20 Bowery.
January 18	Devine, John	45 New Bowery.
January 14	Ethur, Alfred	500 Sixth avenue.
March 24	Gerity, Frank	78 West Third street.
January 18	Giel, Daniel	28 Division street.
February 19	Sworke, John	157 Bleecker street.
March 4	Sachsalser, Olhman	1500 First avenue.
1889.		
August 28	Flynn, Richard	108 Bleecker street.
August 27	Fennelly, Philip	48 Spring street.
August 29	Freer, Frank L	1487 Third avenue.
September 12	Fitzgerald, William	664 Hudson street.
October 1	Gannon, Michael J	432 West Thirteenth street.
September 13	Galvin, William	90 South avenue.
June 15	Grogan, Patrick	479 Seventh avenue.
June 6	Griffin, John H	154 Bleecker street.
June 18	Golden, John	97 Elizabeth street.
October 1	Grenert, Alexander	4 Bleecker street.
August 27	Greenberg, Jacob	223 Park Row.
June 11	Griffendorf, Edward	1843 Third avenue.
August 29	Guion, Richard	2102 Third avenue.
June 6	Hanson, George	695 Sixth avenue.

June 4	Hodes, Simon	56 Orchard street.
June 6	Hewitt, William	511 Sixth avenue.
June 11	Harms, William	1924 Third avenue.
September 13	Hogan, Michael F	466 Greenwich street.
September 12	Hendrick, James	142 Bleecker street.
October 1	Harris, Samuel	36 Orchard street.
August 28	Holland, Michael	76 South Washington square.
August 29	Hammill, Thomas J	1725 Second avenue.
November 23	Hammill, Thomas	2389 Third avenue.
July 19	Healy, James	600 Third avenue.
September 13	Heyn, Herman	205 West street.
July 19	Isaacs, David	45 Hester street.
November 12	Inteman, John R	561 Seventh avenue.
June 5	Jones, Edward L	63 New Bowery.
June 15	Jones, William	2150 Eighth avenue.
June 11	Jenkins, William	2243 Third avenue.
August 27	Ayers, Michael	21 Chatham square.
June 18	Anthony, Charles	58 Whitehall.
June 4	Evers, William	36 Rivington street.
September 13	Larky, John	188 South street.
August 27	Lynch, Thomas	23 Chatham square.
September 12	Lawkin, Kiernan	448 Ninth avenue.
June 28	Lutman, Henry	153 Grand street.
September 12	Shue, Dailey	503 Tenth avenue.
June 13	Shierloh, John	137 Bowery.
June 12	Sullivan, Timothy A	430 Pearl street.
October 4	Wentz, Adolph	406 Sixth avenue.
1890.		
March 16	Ried, David	155 Washington street.
January 31	O'Reagen, Jere	20 Chatham square.
January 22	Rathgebar, John	211 Chrystie street.

EXHIBIT No. 7.—EXCISE VIOLATIONS, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1889.		
August 28	Boshen, John	132 Sixth avenue.
June 5	Wallace, Charles	207 Park avenue.
June 4	Ward, Philip	84 Third avenue.
September 13	Walst, Randolph	30 Bowery.
August 27	Walst, Randolph	30 Bowery.
1890.		
April 7	Leeper, Thomas	84 Third avenue.
January 18	Lichter, Chris	30 Bowery.
January 14	Lapman, William N	519 Sixth avenue.
January 15	Livingston, Morris	1257 Broadway.
January 15	Puvogel, Delderick	387 Fourth avenue.
January 23	King, James	223 Park avenue.
January 28	Klemon, Antoni	153 Forsyth street.
October 2	Russell, John	1347 Broadway.
December 13	Reynolds, John	619 Third avenue.
1889.		
June 13	Branigan, James	342 Seventh avenue.
June 14	Blake, John G	125 Third avenue.
June 4	Benken, Dederick	279 Bowery.
December 20	Burke, Martin	1 James slip.
December 20	Bliss, Henry	1333 Broadway.
August 15	Boylan, Patrick	444 First avenue.
November 11	Browder, William	521 Third avenue.
June 8	Bennett, Thomas	74 East Houston street.
June 8	Bammann, Richard	306 Elizabeth street.

June	14	Bartels, Henry	1103 Third avenue.
June	15	Bobbe, Christopher	1875 Ninth avenue.
August	29	Becker, Carl	1465 Third avenue.
August	28	Burns, Edward	441 Seventh avenue.
August	28	Bradley, Walter	500 Sixth avenue.
June	6	Bradley, Walter	500 Sixth avenue.
October	2	Burt, James G	274 West street.
November	8	Brennan, John	342 Seventh avenue.
August	16	Blumer, Alfred	35 West Twenty-ninth street.
1890.			
January	15	Bors, Harman	69 Dey street.
January	14	Brassel, Patrick	1 Chatham square.
January	16	Butler, Matthew	168 Forsyth street.
February	7	Brady, Peter	Metropolitan Opera House.
February	15	Blake, John	87 Third avenue.
March	13	Brown, John A	274 West street.
March	10	Brown, John A	274 West street.
January	16	Albert, August	606 Grand street.
January	21	Stevens, Henry	322 West street.
January	14	Stanton, Edward	44 New Bowery.
March	5	Saueke, Frederick	Metropolitan Opera House.
1889.			
June	6	Drennin, James	108 West Houston street.
July	12	Davis, William	105 West Houston street.
July	17	Dettmar, Max	244 Third avenue.
July	18	Donovan, George	1456 Second avenue.
September	12	Dougherty, Frank	451 Tenth avenue.
September	12	Daly, James	571 Eighth avenue.
September	13	Dibble, George	28 Bowery.

EXHIBIT No. 7.—EXCISE VIOLATIONS, ETC.—(*Continued*).

Date.	NAME.	Place of business.
1889.		
September 30	Dohrety, Patrick	2339 Third avenue.
October 1	Drappman, Charles	100 Cherry street.
October 2	Drennen, James	108 West street.
August 28	DeRudder, Adolph J	511 Sixth avenue.
August 28	Doyle, Dennis	30 West Fourth street.
August 29	Drennen, Daniel	1695 Third avenue.
August 28	Dillon, Patrick	2144 Third avenue.
December 25	Duncan, Frank	30 Bowery.
1890.		
February 20	Shirloh, John	137 Bowery.
February 27	Summers, Thomas	33 Cherry street.
January 15	Staak, William	32 First avenue.
January 17	Shea, Thomas J	73 East Houston street.
March 12	Moloney, Patrick	1 James street.
March 24	Moore, George	78 West Third street.
January 18	McEnroe, Michael	618 Eighth avenue.
February 20	Marowitz, Joseph	1458 First avenue.
March 14	Meyer, Richard	427 Sixth avenue.
February 21	McDonald, B. F	34 Park row.
January 15	Malloy, Luke F	217 Park row.
February 15	McCabe, Joseph	20 Bowery.
February 15	Muller, Henry	11 Park Row.

1889.			
June	14	Farley, John J	503 Third avenue.
1890.			
February	20	Finn, Charles	155 Waverley place.
March	17	Festler, Fred	424 East Fifth street.
January	14	Fagan, Richard	145 Third avenue.
January	22	Fisher, William	203 Canal street.
January	15	Feeney, Edward	49 Grand street.
February	19	Hendricks, James	142 Bleecker street.
January	25	Huslim, Julius	130 Park Row.
1889.			
January	18	Ockendon, William T	226 Wooster street.
January	21	O'Hare, Michael	48 Market street.
August	27	O'Neill, Martin	2 Catherine street.
August	28	O'Brien, Dennis	94 Sixth avenue.
September	11	O'Rourke, Bernard	2465 Third avenue.
September	11	O'Brien, James	2359 Third avenue.
September	12	O'Sullivan, ———	409 Sixth avenue.
September	13	O'Sullivan, Bart D	45 New Bowery.
June	13	Pollock, James H	198 Eighth avenue.
March	30	Tauck, Herman	30 Rivingston street.
March	30	Tinger, Milostar	217 Avenue C.
March	30	Tierney, Thomas	53 Lewis street.
March	17	Tansey, T. J	1119 Second avenue.
March	16	Tallon, Michael	8 East Fifty-ninth street.
February	21	Thoman, Ernest	Metropolitan Opera House.
April	14	Tobin, J. S	2373 Third avenue.
February	23	Trimboon, Christian	225 East Seventy-fifth street.
April	13	Tornsudeu, John	228 West street.

EXHIBIT No. 7.—EXCISE VIOLATIONS, ETC.—(*Concluded*).

Date.	NAME.	Place of business.
1889.		
June 18	Tanby, Charles	75 South street.
June 5	Troger, Herman	100 Park row.
August 28	Nolan, Richard J.	96 Sixth avenue.
September 11	Yorkey, William P.	2103 Third avenue.
August 29	Yorkey, William P.	2103 Third avenue.
June 5	Van Siclen, Harry.	119 Park row.
August 29	Vogelsang, Otto	1642 Third avenue.
June 12	Vollmer, Charles	73 New Chambers street.
June 4	Vollman, Frederick	119 Bowery.
July 23	Duncan, Frank	30 Bowery.
June 14	Quard, Paul	20 Grand street.

EXHIBIT 8 — MAY 23, 1890.

COURT OF GENERAL SESSIONS — PRESENTMENT OF GRAND JURY — DATED NEW YORK, JUNE 30, 1886 — FILED JUNE 30, 1886.

Court of General Sessions of the Peace, for the City and County of New York.

The grand inquest of the Court of General Sessions of the Peace in and for the city and county of New York, do hereby present:

That in the course of their deliberations their attention has been called to violations of the excise law. We find that these violations are numerous, and that a large accumulation of cases for these violations are now in the hands of the district attorney.

We find that under the present condition of things a vigorous enforcement of the excise law and the punishment of offenders under it is impossible. The law fixes the maximum bail for this offense at $100, and every offender readily gives this amount of bail, the Constitution also gives him the right of trial by jury, and he usually demands that right, and, as a consequence, the cases are sent for trial to the Court of General Sessions.

Justice and humanity both require that men who are actually incarcerated charged with crime should have preference in their trial to those that are at large on bail. The Court of General Sessions are occupied constantly in the trial of offenders charged with grave offenses who are incarcerated pending trial. This leaves little or no opportunity for the trial of these misdemeanors under the excise law where the offenders are at large on bail.

We believe the remedy for this evil to be the enactment of law providing that the Court of Special Sessions may impanel a jury for the trial of excise cases, and that the district attorney may have power to transfer the cases now awaiting trial in the Court of General Sessions to the Court of Special Sessions to be there tried; and we respectfully ask that this court, through the proper channels, in our name and in our behalf, make this application to the Legislature of the State of New York when the same shall have been convened.

The grand inquest also protest that, in the discharge of their duties, they have visited the various public institutions on Blackwell's island and Ward's island and at the Bellevue hospital. The grand inquest presents that, in examining these institutions, they found them to be working satisfactorily, and have no suggestions to make as to any improvement in the methods adopted for the care and custody of the persons committed to these institutions; and the

grand inquest were most favorable impressed, upon their examination of the lunatic asylum, to find that those unfortunate persons who are bereft of reason are receiving every kindness and care that humanity and justice could suggest, and the methods adopted by the commissioners of charities and correction to provide for these persons are in every way admirable.

Dated NEW YORK, *June* 30, 1886.

J. LAWRENCE McKEEVER,
Foreman.

GEO. P. SLADE,
Secretary.

I, John Sparks, clerk of the Court of General Sessions of the Peace, and clerk of the Court of Oyer and Terminer held in and for the city and county of New York (each being a court of record and having a common seal), do hereby certify that the annexed is a copy of a presentment by the grand jury now on file in the clerk's office, and that the same has been compared by me with the original, and is a correct transcript thereform and of the whole of such original.

[SEAL.] Given under my hand and attested by the seal of the said court this third day of May, in the year of our Lord eighteen hundred and ninety.

JOHN SPARKS.

EXHIBIT 9 — MAY 23, 1890.

COURT OF GENERAL SESSIONS — OCTOBER TERM, 1889.

In the matter of the enforcement of the laws relative to the sale and distribution of intoxicating liquors. Presentment by the grand jury. Filed 31st day October, 1889.

Court of General Sessions of the Peace, of the City and County of New York.

IN THE MATTER OF THE ENFORCEMENT OF THE LAWS RELATIVE TO THE SALE AND DISTRIBUTION OF INTOXICATING LIQUORS.

The grand jury of the city and county of New York presents as follows:

There are now in the office of the clerk of this court, awaiting the action of the grand jury, about 3,000 cases of what are commonly called "violations of the excise law," comprehending accusations of various kinds against persons charged with infractions of the statutes of this State relative to the sale and distribution of intoxicating

liquors, which cases have been returned by the committing magistrates of this county within the past two years.

The offenses charged are all misdemeanors, punishable by fine, or by imprisonment for a term in no case exceeding one year, and a fine as well.

Besides these pending cases, other such charges aggregating many thousands in number were returned by the committing magistrates of this county to the clerk of this court during the terms of former district attorneys, the prosecution of which, by reason of the lapse of two years since the commission of the offense, has become barred under the provisions of section 142 of the Code of Criminal Procedure.

The present district attorney has disposed of, by dismissals by the grand jury, transfers to the Court of Special Sessions of the indictment by consent of the defendants, and by trial and plea in this court, about 1,000 cases, besides some 5,000 cases in arrears, which were dismissed by the special grand jury of the Court of Oyer and Terminer of the June term, 1888.

While this comparatively small showing is a startling commentary on the enforcement of the excise laws, the grand jury is convinced that the lack of proper statutory provisions for the prosecution of these offenses is the cause of it; and that it is practically impossible to properly prosecute these cases under the existing laws.

Nearly 100 cases are returned by the magistrates each week, in addition to an average of between sixty and seventy other charges of crime, mostly felonies of various grades, from murder to larceny, in the great majority of which the defendants are in actual custody.

The district attorney is compelled to submit these latter cases, called "prison cases," to the grand jury at once for their action thereon, and the "excise" cases are therefore necessarily neglected till an opportunity shall occur of dealing with them.

The grand jury find their time so completely taken up with the examination of the "prison" cases and of felonies, in which the defendants have been admitted to bail, that but few excise cases are reached, and it is apparent that this great mass of criminal cases can not be inquired into and presented by grand juries without seriously obstructing the regular business of those bodies.

Presentments have been made by grand juries from time to time upon the subject herein treated. The special grand jury of the Court of Oyer and Terminer of the term of June, 1888, in a presentment on the subject of excise cases, expressed its belief that the best method of bringing the many cases then pending "to a speedy and proper

disposition, would be the convening of special grand juries, who should pass upon the same before they became barred by statute, at least until" the arrearage should have been entirely disposed of.

The result of such action, however, would be but a partial remedy. It would prevent the expiration of the prosecution by limitation, but would in no way provide for the trial of the indictment found.

The course nearest in accord with the views of this body is that advocated by the grand jury of the term of June, 1886, in its presentment, now of record in this court. The following is taken therefrom:

"We find that under the present condition of things a vigorous enforcement of the excise law and punishment of offenders under it is impossible. The law fixes the maximum bail for this offense at $100, and any offender readily gives this amount of bail. * * * Justice and humanity require that men who are actually incarcerated, charged with crime, should have preference in their trial to those that are at large on bail. The courts of General Sessions are occupied constantly in the trial of offenders charged with grave offenses, who are incarcerated pending trial. This leaves little or no opportunity for the trial of these misdemeanors under the excise laws, where the offenders are at large on bail."

The grand jury then suggested the enactment of a law providing that the Court of Special Sessions might impanel a jury for the trial of excise cases, and that the district attorney should have the power to transfer the cases then awaiting trial to the Court of Special Sessions for disposition there. Although more than three years have elapsed since the making of this presentment, the procedure in these cases has not been altered, and the laws are in precisely the same condition now as then.

The main objection to the course suggested would be the delay usually incident to a preliminary examination, which could be entirely obviated by a summary proceeding before the magistrate, as hereinbelow suggested, thus insuring effective action following with just and reasonable promptness upon every arrest.

It is clear that so long as the present condition of affairs exists, the excise laws will not be observed in this county. The making of wholesale arrests brings little good when no action is taken toward the prosecution of those arrested; and when, beyond a temporary inconvenience in procuring bail, violators of the excise laws suffer no penalty for their wrong doing.

The excise laws should be enforced, and as the existing methods of procedure do not provide a fit means of prosecuting violators thereof, legislative action is required, and should be invoked without delay.

An easy remedy for the existing defects in the regard herein brought to notice, can be found by an adoption of the recommendations following:

This court can not properly dispose of so great a mass of cases besides its regular business.

The provisions of Article 1 of the Constitution, guaranteeing the right to a trial by jury in all cases in which it had been theretofore used, does not prohibit the Legislature from enacting a statute making offenses of the grade of misdemeanor exclusively cognizable by courts of inferior or local jurisdiction by summary proceedings, without the intervention of a jury.

This right of a jury trial have been held by the highest courts of the State to apply only to felonies and infamous crimes, to wit: Offenses punishable by death or imprisonment in a State prison.

Under section 26 of Article 6 of the Constitution, such jurisdiction may be conferred on courts of Special Sessions, as the Legislature may deem fit and proper to prescribe; and by section 19 of the same article, "inferior local courts of civil and criminal jurisdiction may be established by the Legislature."

Therefore, as violations of the "excise" laws are declared to be misdemeanors only, punishable by fine and imprisonment in a county jail or penitentiary, it is competent for the Legislature to enact statutes prescribing their prosecution by a summary proceeding before a magistrate or in the Court of Special Sessions, either with or without a jury.

If, however, the Legislature should deem it a hardship that the power to convict "excise" violators should be vested in a single magistrate, a law could be passed authorizing the magistrate before whom the offender is brought to impanel a jury forthwith to try issues; or "excise" offenses could be made exclusively cognizable by the Court of Special Sessions, where three magistrates constitute the judicial power.

The grand jury is, nevertheless, of the opinion that no greater necessity exists of impaneling a jury in these cases of certain petty offenses where, under the existing laws, police justices can imprison the offenders, on conviction before them, for twelve months in default of the furnishing of a bond in a large sum.

If it should be deemed dangerous to grant to a single magistrate the right to inflict the penalties prescribed by the present laws, the punishment can be reduced, but let the Legislature provide a practical means of disposing of this vast number of prosecutions. Any enactment intended to aid the due disposition of excise cases, should

provide for the prosecution of the pending cases as well as those which may hereafter arise.

It is, therefore, recommended that a copy of this presentment be forwarded to his Excellency the Governor, with the request of the grand jury that he bring the matter before the Legislature at its next session, with such suggestions as he shall deem proper.

Dated NEW YORK CITY, *October* 31, 1889.

By the grand jury.

WM. L. COLE,
Foreman.

WILLIAM H. LEFFERTS,
Secretary.

I, John Sparks, clerk of the Court of General Sessions of the Peace and clerk of the Court of Oyer and Terminer, held in and for the city and county of New York (each being a court of record and having a common seal), do hereby certify that the annexed is a copy of a presentment by the grand jury now on file in the clerk's office, and that the same has been compared by me with the original and is a correct transcript therefrom and of the whole of such original.

Given under my hand and attested by the seal of the said [SEAL.] court, this third day of May, in the year of our Lord one thousand eight hundred and ninety.

JOHN SPARKS.

EXHIBIT No. 10 — MAY 23, 1890.

MONEYS RECEIVED FOR LICENSES ISSUED BY EXCISE BOARD FROM JANUARY 1, 1885, TO JANUARY 1, 1890.

From January 1, 1885, to January 1, 1886	$681,205 00
From January 1, 1886, to January 1, 1887	681,440 00
From January 1, 1887, to January 1, 1888	1,186,730 00
From January 1, 1888, to January 1, 1889	1,430,420 00
From January 1, 1889, to January 1, 1890	1,442,770 00
Total	$5,422,565 00

HOW DISTRIBUTED.

1885.

To charitable institutions for committed children, on account of the year 1884, paid out of license moneys received in 1885	$66,824 92

1885.		
To charitable institutions for committed children for the year 1885	$437,375 26	
To police pension fund	90,001 25	
To New York fire department relief fund,	18,397 00	
To commissioner, board of excise, for salaries, etc.	71,000 00	
		$683,598 43
1886.		
To charitable institutions for committed children for the year 1886	$339,073 66	
To police pension fund	80,497 50	
To New York fire department relief fund,	62,406 50	
To commissioners, board of excise, for salaries, etc.	72,000 00	
To judgment on account of excise license,	75 00	
		554,052 66
1887.		
To charitable institutions for committed children for the year 1887	$570,695 24	
To police pension fund	204,501 25	
To New York fire department relief fund,	111,102 00	
To commissioners, board of excise, for salaries, etc.	140,326 00	
To general fund	200,000 00	
To judgments for salaries obtained by employes of old board of excise, 1886	4,057 14	
		1,230,682 50
1888.		
To charitable institutions for committed children for the year 1888	$593,546 24	
To police pension fund	94,272 50	
To New York fire department relief fund,	61,676 00	
To commissioners, board of excise, for salaries, etc.	144,000 00	
To general fund	430,000 00	
To judgments for salaries obtained by employes of old board of excise of 1886,	13,687 54	
		1,337,282 28
1889.		
To charitable institutions for committed children for the year 1889	$628,620 30	
To police pension fund	212,380 00	

1889.		
To New York fire department relief fund,	$79,952 00	
To commissioners, board of excise, for salaries, etc.	143,700 00	
To general fund	250,000 00	
		$1,314,652 30
Making a total of		$5,120,268 17
Balance to credit of excise licenses, January 1, 1890	$276,298 35	
Add amount received for December, 1889, licenses in 1890	81,310 00	
Total	$357,608 35	
Deduct payment to charitable institutions for committed children in January, 1890, for the month of December, 1889,	$55,162 52	
Add canceled warrant of 1880	149 00	
	55,311 52	302,296 83
Total		$5,422,565 00

For details of distribution of excise moneys to charitable institutions for committed children, see Exhibit I, hereto annexed.

EXHIBIT I.

PAYMENTS MADE TO CHARITABLE INSTITUTIONS OUT OF RECEIPTS FROM EXCISE LICENSES.

Institutions.	1889.
Institution of Mercy	$77,627 07
St. Stephen's Home for Children	36,527 43
St. Joseph's Asylum	34,878 57
Mission of the Immaculate Virgin	79,427 86
Missionary Sisters of the Third Order of St. Francis	36,059 58
Asylum Sisters of St. Dominic	32,108 13
Dominican Convent of Our Lady of the Rosary	27,209 55
Association for the Benefit of Colored Orphans	9,684 99
St. James Home	11,521 85
Association for Befriending Children and Young Girls,	2,112 86
St. Ann's Home	2,418 01
American Female Guardian Society	8,351 37

Institutions.	1885.
Asylum of St. Vincent de Paul	$4,892 28
St. Agatha's Home for Children	8,341 43
St. Michael's Home	2,944 87
Hebrew Sheltering Guardian Society	28,506 79
Ladies' Deborah Nursery	32,023 58
Five Points' House of Industry	
Home for Fallen and Friendless Girls	2,739 04
Total	$437,375 26

1886.	1887.	1888.	1889.
$51,525 43	$80,890 88	$82,811 57	$79,434 94
29,310 42	4,420 16	.....	.....
25,627 71	39,736 97	42,846 00	52,381 27
60,059 01	116,967 43	110,904 00	118,118 71
29,703 42	59,340 57	60,816 07	65,582 85
26,987 13	44,278 86	47,980 01	50,003 41
28,284 88	47,709 66	51,123 61	50,830 67
7,142 55	13,099 00	12,861 84	13,014 84
8,314 43	12,282 71	11,825 15	10,996 56
1,767 44	2,401 71	1,802 30	1,394 13
1,660 28	8,712 86	13,063 73	17,239 84
5,748 28	9,281 62	10,550 56	9,341 27
3,247 99	13,350 71	13,754 00	14,664 41
8,397 57	17,408 14	17,323 25	18,864 13
3,166 58	5,536 30	5,526 60	5,450 43
20,326 00	51,954 28	59,181 43	59,649 13
24,300 30	30,815 13	33,967 70	40,635 99
1,020 14	9,019 64	13,088 36	14,512 28
2,494 10	3,488 64	4,220 06	6,505 44
$339,073 66	$570,695 24	$593,646 24	$628,620 30

In addition to the sums paid to the above institutions out of the moneys received from excise licenses, there was also paid them out of the general appropriation fund :

For 1885	$99,990 70
For 1886	235,722 86

EXHIBIT No. 11 — MAY 23, 1890.

COMMISSIONERS OF EXCISE EXPENDITURES, MAY 1, 1880, TO MAY 1, 1890.

YEAR.	Commission.	Clerks.	Rents.	Miscellaneous.	Detective service.	Total.
1880–1	$15,000 00	$58,971 37	$1,500 00	$3,115 26	.....	$73,586 63
1881–2	15,000 00	50,837 37	2,100 00	2,984 26	.....	70,921 63
1882–3	15,000 00	51,506 61	2,100 00	2,385 77	.....	70,992 38
1883–4	15,000 00	50,061 83	2,100 00	2,120 84	.....	69,282 67
1884–5	15,000 00	52,048 91	2,100 00	1,939 97	.....	71,088 88
1885–6	15,000 00	52,653 51	2,100 00	1,135 38	.....	70,888 89
1886–7	15,000 00	51,684 30	2,100 00	7,666 27	.....	76,450 57
1887–8	15,000 00	90,738 28	2,520 00	26,208 97	*$13,498 15	134,467 25
1888–9	15,000 00	107,300 42	2,520 00	19,174 86	*11,711 11	143,995 28
1889–90	15,000 00	109,661 61	3,200 00	8,809 18	.....	136,670 79

* Included in miscellaneous.

EXHIBIT No. 12 — MAY 23, 1890.

Statement showing the number of complaints for excise violations wherein, (1) witnesses were subpœnaed and papers prepared for action of grand jury; (2) indictments found; (3) complaints dismissed; (4) total disposed of in each month since May 1, 1889.

	No. placed before grand jury.	Indicted.	Dismissed.	Total disposed of.
1889.				
May	324	44	58	102
June	78	17	58	22
July	8	4	2	66
August	11	4	2	6
September	50	5	2	7
October	70	22	10	32
November	125	41	28	69
December	119	17	11	28
1890.				
January	322	83	43	126
February	167	21	40	61
March	101	16	15	31
April	182	28	43	71
To May 19	116	51	2	53
Total	1,683	353	261	614

During the above period (May 1, 1889, to date), excise cases that have been disposed of in court:

Convictions	44
Acquitted	1
Indictments discharged	11
Transferred to Special Sessions	198
Bail forfeited	36
Discharged by court	3
Tried and convicted by jury	1
Plead guilty	43

discharge from the service, and any physical disability incurred in the service. A. .....

15. Have you ever been in the liquor business, either as an employer or an employe? If so, state when and where. A. .....

16. I certify that the foregoing statements and answers are wholly in my own handwriting.

(Signature.) .....

STATE OF NEW YORK, }
COUNTY OF NEW YORK. } *ss.:*

On this ..... day of ....., 18..., said ..... having been duly sworn before me, stated that to the best of his knowledge and belief the several statements made by him in the foregoing application contained, whether in writing or in print, are true.

I, ..., being more than twenty-five years of age, and not a kinsman of the foregoing applicant, and also having been a resident of the city of New York for the last five years and personally acquainted during that time with ....., have read the application of said applicant and believe each of the statements made therein to be true; I also believe him to be of good moral character, of temperate and industrious habits, and in all respects fit for service as an inspector of excise in the city of New York.

Signature, ...
Business, ...
Residence, ...

I, ..., being more than twenty-five years of age, and not a kinsman of the foregoing applicant, and also having been a resident of the city of New York for the last five years and personally acquainted during that time with ....., have read the application of said applicant and believe each of the statements made therein to be true; I also believe him to be of good moral character, of temperate and industrious habits, and in all respects fit for service as an inspector of excise in the city of New York.

Signature, ...
Business, ...
Residence, ...

I, ..., being more than twenty-five years of age, and not a kinsman of the foregoing applicant, and also having been a resident of the city of New York for the last five years and personally acquainted during that time with ....., have read the application of said applicant and believe each of the statements

made therein to be true; I also believe him to be of good moral character, of temperate and industrious habits, and in all respects fit for service as an inspector of excise in the city of New York.

Signature, ...
Business, ...
Residence, ...

I, ..., being more than than twenty-five years of age, and not a kinsman of the foregoing applicant, and also having been a resident of the city of New York for the last five years and personally acquainted during that time with ... ., have read the application of said applicant and believe each of the statements made therein to be true, I also believe him to be of good moral character of temperate and industrious habits, and in all respects fit for service as an inspector of excise in the city of New York.

Signature, ...
Business, ...
Residence, ...

I, ..., a practicing physician in, and resident of, the city of New York, do hereby certify that I have examined the applicant, ..., and believe him to be free from any defect or disease which would be likely to interfere in any respect with the proper discharge of his duties as an inspector of excise in the city of New York.

Signature, ...
Residence, ...

EXHIBIT No. 14—MAY 23, 1890.

At a Court of General Sessions of the Peace, holden in and for the city and county of New York at the city hall of said city, on Monday, the eleventh day of July, in the year of our Lord one thousand eight hundred and seventy.

Present, the Honorable John K. Hackett, recorder of the city of New York, justice of the sessions.

THE PEOPLE OF THE STATE OF NEW YORK *against* FRANCIS REDMOND, *on conviction of burglary, third degree.*

Whereupon it is ordered and adjudged by the court that the said Francis Redmond for the felony aforesaid, whereof he is convicted, be imprisoned in the State prison, at hard labor, for the term of five years.

A true extract from the minutes.

JOHN SPARKS,
Clerk of Court.

I, John Sparks, clerk of the Court of General Sessions of the Peace, and clerk of the Court of Oyer and Terminer held in and for the city and county of New York (each being a court of record and having a common seal), do hereby certify that the annexed is a copy of the conviction and sentence of Francis Redmond from the minutes now on file in the clerk's office, and that the same has been compared by me with the original and is a correct transcript therefrom and of the whole of such original.

Given under my hand and attested by the seal of the said court
[SEAL.] this twenty-first day of May, in the year of our Lord one thousand eight hundred and ninety.

JOHN SPARKS.

EXHIBIT No. 15 — MAY 23, 1890.

Revocations from May 1, 1889, to May 23, 1890:

For selling to minors	62
For not having interest in business	9
For disorderly conduct	9
For Sunday selling or exposure	43
For violating Class 4 license	8
For violating Class 6 license	5
For selling during prohibited hours	3
For selling on election day	3
For causes not assigned	5
	147

Of these thirty-six were crooked by board.

EXHIBIT No. 16 — MAY 23, 1890.

List of notices to board of police of licenses revoked by board of excise, from June 26, 1888, to May 1, 1889. (See letter book of board of excise covering this period):

Page.	Date.	Location.	NAME.
	1888.		
1	June 26	34 Bayard street	John Brice.
2	June 26	102 Avenue C	Herman Koehler.
3	June 26	12 Greenwich street	Frank Diefenbarder.
4	June 26	518 East Fourteenth street	Martin Oakley.
5	June 26	125 Bleecker street	Ernst May.
6	June 26	3 Seventh avenue	Charles H. Bartell.
7	June 26	159 West Fourteenth street	Walter W. Scott.
8	June 26	197 South Fifth avenue	Thos. Engliton.
9	June 26	134½ Monroe street	Daniel McAllen.
10	June 26	227 South street	Nicholous Schilling.
11	June 26	Southeast cor. West Boulevard and One Hundred and Third st.	Hiram B. Downs.
12	June 26	424 East Eighty-fifth street	Christopher Normaier.
13	June 26	89 Roosevelt street	John J. Hanley.
14	June 26	413 West Thirty-sixth street	Michael Hastings.
15	June 26	334 East Fifty-fourth street	Xaver Reichert.
16	June 26	81 Thomas street	Herman Hormann.
17	June 26	317 East Thirty-fifth street	Andrew Crane.
18	June 26	104 Pearl street	Jacob Faessler.
19	June 26	2035 Second avenue	Geo. Strobel.
20	June 26	15 City Hall place	Walter Buckley.
21	June 26	1692 Avenue A	Christian Brichoff.
22	June 26	50 Eldridge street	Matthew Feucht,

23	June	26	2391 Eighth avenue	Adelheid Ahders.
24	June	26	39 Attorney street	John J. Doughney.
25	June	26	E. S. Kingsbridge road, thirty feet south One Hundred and Thirtieth street	Thomas Whalen.
26	June	26	351 East Forty-first street	Henry Voss.
27	June	26	351 East Seventeenth street	Morton Kimball.
28	June	26	245 West Thirty-first street	Chas. E. Glossman.
30	June	26	1009 Second avenue	Nathan Graf.
31	June	26	287 Third avenue	Henry Forth.
32	June	26	412 West Thirty-sixth street	Anton Krotz.
33	June	26	242 Ninth avenue	Carl Leschhorn.
34	June	26	69 Hudson street	Henry Winter.
35	June	26	351 East Tenth street	Adolph Schrank.
36	June	26	313 Rivington street	Philip Kerner.
37	June	26	458 West Thirty-second street	Margaret Cahill.
38	June	26	141 East Seventeenth street	Rudolph Orrigoin.
39	June	26	630 Water street	Mary Ryan.
40	June	26	16 Spring street	Andrew Hartmann.
52	July	9	2485 Third avenue	Frederick C. Humphreys.
89	July	14	170 East One Hundred and Tenth street	Peter Neuer.
90	July	14	153 Leonard street	Bruce Haase.
91	July	14	432 West Forty-fifth street	Frederick W. Andros.
92	July	14	620 East Seventeenth street	Patrick H. Shannon.
93	July	14	16 Greenwich street	Babete Weedman.
94	July	14	908 Westchester avenue	James Rennehan.
95	July	14	12 Lewis street	Wm. Brenner.
96	July	14	1086 Fourth avenue	Emanuel Arnstein.
97	July	14	334 East Twenty-ninth street	Patrick Dolan.
98	July December	14 22	404 Broome street	Henry Wasmuth.
99	July	14	441 Cherry street	John Overbeck.

EXHIBIT 16.—(*Continued*).

Page.	Date.		Location.	NAME.
	1888.			
100	July	14	381 Water street	John Gerken.
101	July	14	102 Cedar street	Emil Steinle.
102	July	14	306 Grand street	Gustav W. Bartels.
103	July	14	1232 Second avenue	John M. Linck.
104	July	14	1551 Second avenue	Julius Faulhaber.
105	July	14	S. S. One Hundred and Tenth street, 200 feet west of Tenth av.	Frederick King.
106	July	14	434 East Fifty-ninth street	James O'Callaghan.
107	July	14	434 Eleventh avenue	Frederick Schmidt.
108	July	14	1291 Third avenue	Bernard Curry.
109	July	14	353 Lexington avenue	George Knite.
110	July	14	75 Broome street	Thomas J. Hogan.
111	July	14	225 South Fifth avenue	F. Brenner.
112	July	14	2486 Third avenue	Thomas Guilfoyle.
113	July	14	446 Eleventh avenue	John Smith.
114	July	14	152 West Twenty-eighth street	George L. Walker.
115	July	14	116 Sixth avenue	Aug. J. Zimmerman.
116	July	14	340 West Fifty-third street	Frederick Knack.
117	July	14	427 Washington street	Claus Gieschen.
118	July	14	156 Wooster street	John Perchetto.
119	July	14	636 East Sixteenth street	James Walker.
120	July	14	2047 Third avenue	Fritz Ernest.
121	July	14	1846 Second avenue	James Smith.
122	July	14	429 Houston street	F. C. Kerchner.
123	July	14	252 First avenue	Samuel J. Freeman.
124	July	14	113 Avenue D	Dennis A. McLaughlin.

125	July	14	164 Leonard street	Anna Burfiend.
126	July	14	199 East Fifty-eighth street	Peter Ulrich.
127	July	14	317 East Forty-eighth street	Louise Tilan.
128	July	25	1093 Third avenue	John J. Kaufmann.
149	August	1	382 South street	Daniel Murphy.
162	August	2	520 Broome street	David Lestira.
176	August	13	1210 First avenue	Julia B. Mulhern.
	June	22		
177	August	13	1809 Third avenue	John H. Kladthaar.
	June	22		
181	August*	14	519 Lexington avenue	George A. Reese.
219	September	7	323 Bleecker street	Herman Bleyert.
230	September	12	2322 First avenue	Daniel Hannon.
231	September	7	455 Eighth avenue	Broder D. Paterson
231	July	28	506 East Seventeenth street	Charles Frederick.
232	August	31	93 Bleecker street	Philip Mausch.
232	August	28	117 Goerck street	John Doerrschuck.
233	September	6	80 Clinton street	Simon Meyer.
233	August	4	Northeast corner Brenner avenue and Orchard street	S. A. Bowden.
257	September	25	688 Eleventh avenue	Frederick Desel.
264	October	1	47 Bond street	August M. Cahn.
269	October	1	101 Roosevelt street	Timothy Redican.
288	October	8	142 Chrystie street	John Grant.
309	October	1	507 East Fifth street	Anna Martin.
326	October	26	1026 Second avenue	Peter Voss.
349	November	17	618 Third avenue	Benjamin H. Willis.
350	November	17	561 Second avenue	John V. Taylor.
351	November	17	412 First avenue	Patrick Cannon.
352	November	17	538 Tenth avenue	Jeremiah Ryan.
353	November	17	499 Tenth avenue	Patrick Delaney.

*Suspended.

EXHIBIT 16 — (*Continued*).

Page.	Date.	Location.	NAME.
	1888.		
354	November 17	359 Bleecker street	Elizabeth Kuhl.
359	November 23	41 Lexington avenue	William P. Ryan.
366	November 28	2412 Third avenue	August Baur.
372	December 6	121 Second avenue	William C. Anderson.
376	December 10	306 West Fortieth street	Henry Schnepp.
377	December 8	434 East Fifty-eighth street	Henry Beaupain, Jr.
378	December 8	387 Grand street	Jacob Gunst.
379	December 8	N. E. cor. Tenth ave. and One Hundred and Forty-seventh st.	Thomas Kennedy.
380	December 8	2168 Fourth avenue	Herman Stein.
381	December 12	101 Monroe street	William Curtin.
382	December 13	355 Bowery	Richard J. Grant.
388	December 15	923 Sixth avenue	Thompson O. Dunn.
395	December 24	30 Bowery	Henry Atfield.
400	December 22	762 Broadway	Richard Shea.
401	December 22	1321 First avenue	Charles Hesse.
402	December 22	188 Wooster street	Gustav Guidon.
403	December 22	404 Broome street	Henry Wasmuth.
404	December 22	55 Gold street	Mathew C. Uhrig.
405	December 22	834 Broadway	William H. Warren.
406	December 22	443 West Twenty-sixth street	Gottlieb Duerr.
407	December 22	305 Monroe	Michael Mooney.
408	Dec. 22, 1888 to March 29, 1889	289 Sixth avenue	George Koehler.
409	December 22	206 Wooster street	Constance Poret.
410	December 22	One Hundred and Twenty-first street and East river	Edward Monaghan.

411	December	22	Foot of One Hundred and Twenty-fourth street, East river	Joseph H. Golding.
411	December	22	100 Broome street	Martin Mulligan.
414	December	27	1257 Broadway	Edward McC. Barlow.
415	December	18	23 Forsythe street	Abraham Harris.
416	December	5	1697 Lexington avenue	William Strasser.
417	December	7	164 East One Hundred and Sixth street	Wilhelm Heinrich.
	1889.			
424	January	4	401 Seventh avenue	James McGoldrick.
427	January	5	636 West Fifty-second street	William Skidmore.
428	January	5	1 Morris street	Thomas Flynn.
437	January	7	768 Second avenue	Thomas O. Reilly.
469	February	2	1469 Broadway	John May.
470	February	2	11 Eldridge	George Becker.
471	February	2	60 Forsythe street	George L. Blaheimer.
476	February	7	137 Cherry street	Hans O. Roiland.
477	February	7	665 Eleventh avenue	John H. Cawley.
482	February	7	219 East Broadway	James Sheils.
483	February	7	662 West Thirty-fourth street	Herman Klimpel.
485	February	11	303 Bowery	Morris Garretson.
500	February	13	202 East Fifty-sixth street	Valentine Thiels.
500	January	30	882 Second avenue	Michael Madden.
501	February	19	643 First avenue	Thomas Murray.
502	February	19	152 Ludlow street	George F. Gegenheimer.
503	February	19	100 Ludlow street	John Scarabelich.
503	February	19	666 Eleventh avenue	John McCormick.
504	February	18	1128 Third avenue	John Wichmann.
508	February	21	107 Hester street	Joseph Heymann.
514	February	28	72 Allen street	George B. Andrae.
526	February	27	1158 Second avenue	Stephen Pendergast.
527	February	27	481 Second avenue	Edward Matthews.
553	March	15	117 Seventh avenue	John Fink.

Number 18.—(Continued).

Year	Date		Location	Name
	1889.			
[illegible]	March	18	[illegible] West Twenty-fourth street	Jos. Platte and John P. Caslet.
[illegible]	March	[illegible]	[illegible] First avenue	Eugene O. Connell.
[illegible]	March	[illegible]	[illegible] Broome street	Frank Carnato.
[illegible]	March	[illegible]	[illegible] Essex street	Marcus Lichney.
[illegible]	March	[illegible]	[illegible] Bayard street	Patrick Ryan.
[illegible]	March	[illegible]	[illegible] Broadway	Henry V. Meyer.
[illegible]	March	[illegible]	[illegible] Sixth avenue	John Schomaker.
[illegible]	March	[illegible]	[illegible] Second avenue	Phillip Wassung.
[illegible]	March	[illegible]	[illegible] South Washington square	John F. Doyle.
[illegible]	March	[illegible]	[illegible] Ninth avenue	Matthew Mulqueen.
[illegible]	April	[illegible]	[illegible] Third avenue	Hermann Willenbrock.
[illegible]	April	[illegible]	[illegible] St. Mark's place	Henry W. Ackerman.
[illegible]	April	[illegible]	[illegible] Lenox avenue	Geo. Moynahan.
[illegible]	April	[illegible]	[illegible] First street	Rudolph Stein.
[illegible]	April	[illegible]	[illegible] Hester street	James Walsh.
[illegible]	April	[illegible]	[illegible] Broome street	Geo. Fischer.

Food May 1, 1889, to April 10, 1890.

[illegible]	May	[illegible]	144 Avenue D	Jas. McCluskey.
[illegible]	May	[illegible]	1018 Avenue B	Peter Ruth.
[illegible]	May	[illegible]	[illegible] Duane street	John Fahey.
[illegible]	May	[illegible]	[illegible] East Fifty-ninth street	Robert Frederick.
[illegible]	May	[illegible]	[illegible] Avenue D	John Fickbohm.
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

683	May	13	43 Clinton street	Peter Schermeister.
684	May	20	1 Forsythe street	John Ford.
685	May	20	1592 Avenue B	Louis Kracner.
686	May	20	1632 Avenue B	Julious Preusse.
15	June	4	279–283 Fourth avenue	Elizabeth S. Roberts.
17	June	5	272 East Third street	Frederick Lehr.
20	June	7	319 Bowery	Louise Berndt.
21	May	20	19 Second avenue	John Graham.
32	June	12	700 Tenth avenue	George Krumweide.
33	June	12	225 East Tenth street	Frank E. Ulrich.
40	June	13	43 West Third street	Diederich Ohland.
41	June	14	211 Avenue A	Thomas Conlan.
42	June	20	146 Seventh avenue	Conrad Waldech.
57	July	8	2102 Third avenue (violated excise law)	Patrick Mooney.
58	May	14	206 East Thirty-fourth street (general)	Dominick Snyder.
59	June	6	256 West One Hundred and Twenty-fifth street (general)	Wm. King.
62	June	21	94 Columbia street (special)	Philip Kewint.
61	February	27	481 Second avenue (special)	Edwd. Mathews.
66	May	27	382 College avenue (special)	Louis Stock.
67	May	29	11 Broadway (special)	Deborah Conlin.
68	May	20	17 and 19 Chatham square (special)	William Jones.
69	May	20	152 Greenwich street (special)	Frederick Halim.
70	May	13	7 First avenue (special)	Frederick Kramer.
71	June	18	465 Sixth avenue (special)	John O'Brien.
72	May	20	501 Sixth avenue (special)	Patrick W. Talley.
73	June	11	1345 First avenue (special)	Patrick Mooney.
74	May	16	1332 First avenue (special)	John Habschman.
75	May	16	1563 Avenue A (special)	Catharine Knobloch.
76	June	13	25 Lenox avenue (special)	Joseph K. Evans.
77	May	24	Northeast corner Fourth avenue and One Hundred and Eighteenth street (special)	James J. Byrnes.
77	May	28	342 First avenue (special)	John J. Magner.

EXHIBIT 16—(*Continued*).

Page.	Date.		Location.	NAME.
	1889.			
554	March	16	43 West Twenty-fourth street	Jos. Platte and John P. Caslet.
559	March	8	1461 First avenue	Eugene O. Connell.
560	March	18	521 Broome street	Frank Carnato.
566	March	11	33 Essex street	Marcus Liebney.
573	March	23	68 Bayard street	Patrick Ryan.
579	March	25	411 Broadway	Henry P. Meyer.
593	March	27	755 Sixth avenue	John Schomaker.
595	March	27	39 Second avenue	Phillip Wassung.
596	March	28	58 South Washington square	John F. Doyle.
601	March	29	323 Ninth avenue	Matthew Mulqueen.
616	April	9	972 Third avenue	Hermann Willenbrock.
620	April	10	99½ St. Mark's place	Henry W. Ackerman.
623	April	15	361 Lenox avenue	Geo. Moynahan.
627	April	15	36 First street	Rudolph Stein.
629	April	17	117 Hester street	James Walsh.
640	April	22	327 Broome street	Geo. Fischer.
			FROM MAY 1, 1889, TO APRIL 10, 1890.	
664	May	9	144 Avenue D	Jas. McCluskey.
665	May	10	1613 Avenue B	Peter Ruth.
676	May	27	163 Duane street	John Fahey.
680	May	21	230 East Fifty-ninth street	Robert Frederick.
681	May	13	90 Avenue D	John Fickbohm.
682	May	15	17 Hester street	Israel Salzmann.

683	May	13	43 Clinton street	Peter Schermeister.
684	May	20	1 Forsythe street	John Ford.
685	May	20	1592 Avenue B	Louis Kracner.
686	May	20	1632 Avenue B	Julious Preusse.
15	June	4	279–283 Fourth avenue	Elizabeth S. Roberts.
17	June	5	272 East Third street	Frederick Lehr.
20	June	7	319 Bowery	Louise Berndt.
21	May	20	19 Second avenue	John Graham.
32	June	12	700 Tenth avenue	George Krumweide.
33	June	12	225 East Tenth street	Frank E. Ulrich.
40	June	13	43 West Third street	Diederich Ohland.
41	June	14	211 Avenue A	Thomas Conlan.
42	June	20	146 Seventh avenue	Conrad Waldech.
57	July	8	2102 Third avenue (violated excise law)	Patrick Mooney.
58	May	14	206 East Thirty-fourth street (general)	Dominick Snyder.
59	June	6	256 West One Hundred and Twenty-fifth street (general)	Wm. King.
62	June	21	94 Columbia street (special)	Philip Kewint.
61	February	27	481 Second avenue (special)	Edwd. Mathews.
66	May	27	382 College avenue (special)	Louis Stock.
67	May	29	11 Broadway (special)	Deborah Conlin.
68	May	20	17 and 19 Chatham square (special)	William Jones.
69	May	20	152 Greenwich street (special)	Frederick Halim.
70	May	13	7 First avenue (special)	Frederick Kramer.
71	June	18	465 Sixth avenue (special)	John O'Brien.
72	May	20	501 Sixth avenue (special)	Patrick W. Talley.
73	June	11	1345 First avenue (special)	Patrick Mooney.
74	May	16	1332 First avenue (special)	John Habschman.
75	May	16	1563 Avenue A (special)	Catharine Knobloch.
76	June	13	25 Lenox avenue (special)	Joseph K. Evans.
77	May	24	Northeast corner Fourth avenue and One Hundred and Eighteenth street (special)	James J. Byrnes.
77	May	28	342 First avenue (special)	John J. Magner.

EXHIBIT 16 — (*Continued*).

Page.	Date.		Location.	NAME.
	1889.			
79	July	9	43 East Eighteenth street (general)	Anthony Viano.
80	May	16	571 Third avenue (general)	Joseph Schneider.
81	May	23	Northwest corner Rider avenue and One Hundred and Thirty-eighth street (special)	James McGuire.
80	May	19	510 East One Hundred & Eighty-third St. (violated excise law)	John Butler.
87	May	12	1143 First avenue (special)	George Dunn.
91	.....		465 Sixth avenue (special)	John O'Brien.
92	July	27	239 East One Hundred and Eleventh street (violated excise law)	Michael J. Kelly.
93	July	26	1701 Ninth avenue (violated excise law)	Charles H. McDonald.
96	July	31	213 East One Hundred and Second street	William Henrich.
100	August	7	35 Grand street (violated provisions of your license)	Richard Meyer.
107	August	14	434 East Fifty-ninth street	Denis Cronin.
113	August	29	2028 First avenue (violated excise law)	Ferdinand Stoessel, Jr.
137	October	24	34 Jackson street	John J. Greeby.
140	November	1	3 Forsythe street (violated excise law)	Christian Englehardt.
141	November	8	88 James street (selling minor; special)	Giovanni Rizzo.
144	June	11	426 West Forty-sixth street (special)	James Quinn.
150	December	2	112 Third avenue (violated excise law)	Conrad Curth.
153	October	31	95 Chrystie street (special)	Robert Sussman.
154	October	4	1248 Second avenue (special)	August Steimmel.
155	October	30	84 Delancey street (special)	Charles M. Schard.
157	October	31	1121 First avenue (special)	Sophia E. Pollitzer.
158	October	22	999 Tenth avenue (special)	Thomas O'Connor.
159	October	31	1097 First avenue (special)	John Hartnett.
160	October	18	1111 First avenue (special)	Louise H. Knief.

161	October	22	1562 Avenue A (special)	Tina Eben.
162	October	4	Northeast corner Eleventh ave. and Sixty-sixth st. (special)	Jacob Lenz.
168	December	26	189 Chrystie street	Paul Stolpe.
169	November	18	2478 Eighth avenue (special)	Karl Lunder.
170	November	14	19 Grand street (special)	Lawrence Cadigan.
171	December	18	1 Park row (special)	Michael Doran.
172	November	27	641 East Twelfth street (special)	Sylvester J. Russell.
173	November	25	109 East Third street (special)	George Steinbrecher.
174	November	13	12 St. Mark's place (special)	Charles M. Dreste.
175	November	25	1296 First avenue (special)	Morris Pick.
176	November	27	2400 Second avenue, northeast corner One Hundred and Twenty-third street (special)	Patrick McCanney.
177	December	27	511 Sixth avenue (you have violated excise law)	Edward J. Monahan.
178	December	30	134 West Twenty-eighth st. (violated conditions of your license)	Eva Walker.
181	December	30	2223? (2243) Fourth avenue (special)	Herman Behnken.
182	December	31	816 Second avenue (special)	Michael Schloer.
	1890.			
184	January	6	295 Avenue A (special)	Julius Liebscher.
186	January	9	1361 First avenue (special)	Patrick Brady.
187	January	14	1751 Morris avenue	Charles F. Ehlers.
189	January	14	1709 Third avenue, S. E. corner Ninety-sixth street (special)	Mary J. O'Donohue.
190	January	20	1848 Third avenue (special)	Patrick Kiernan.
191	January	22	216 East Eightieth street	Andreas Mack.
192	January	22	1967 Third avenue (general)	John McCoffrey.
193	January	23	411 First avenue (special)	William P. Hughes.
194	January	29	131 Washington place	William J. Monsus.
200	February	7	321 East One Hundred and Twenty-second street	Louis W. Peters.
201	February	5	1050 Tenth avenue (special)	Cornelius Culhane.
202	February	6	Southeast corner Eighth ave. and Forty-ninth st. (special)	Andrew Murphy.
203	February	10	197 South Fifth avenue	Thomas Brennan.
204	February	10	322 East Thirty-fourth street (special)	John Courtney.

EXHIBIT 16 — (*Concluded*).

Page.	Date.		Location.	NAME.
	1890.			
206	February	14	235 Sullivan street	Giovanni Tosi.
208	February	13	21 Rutgers place (special)	Max Eckman.
210	February	19	1760 Third avenue (special)	Clara Picker.
211	February	20	104 Hester street (special)	Moses Cohn.
212	February	19	376 Cherry street (special)	John O'Reilly.
215	March	3	252 Avenue B (D) (violated excise law)	Edward Cunningham.
216	February	19	210 Sullivan street (special)	Henry Kracht.
217	February	19	221 Lexington avenue (special)	William Brown.
281	February	3	542 Second avenue (special)	Martin Fitzpatrick.
219	January	27	Northeast corner Sixth and 125th street (special)	Arthur McKeon.
220	January	29	40 Carmine street	Jacob Rieser.
225	March	12	73 Chrystie street	Cornelius Roche.
230	May	15	741 Third avenue	George McGovern.
231	May	17	59 Monroe street	Jacob Behrmann.
233	March	18	842 First avenue (special)	Patrick J. Moloney.
237	March	25	236 Division street (special)	Joseph Lustig.
238	March	27	157 East Twenty-second street	Barnhard Efinger.
239	March	13	142 West One Hundred and Twenty-fourth street (special)	Charles Schirrmeister.
240	March	31	190 Greenwich street	Frederick Harenburg.
241	April	3	331 East One Hundred and Fifteenth street	Constantine Maglic.
242	April	3	91 Eleventh ave., for offense at 23 Chatham sq. (gen'l license),	William M. Kelly.
243	February	18	408 Cherry street (general)	Michael Coldon.
245	April	7	434 Third avenue (general)	Patrick H. Barry.

EXHIBIT No. 17 — MAY 23, 1890.

Abstracts from communication of the board to the board of police relating to unlicensed places:

Letter book, board of excise July 11, 1888, *to May* 1, 1889.

Page 1, July 11, 1888; also page 160, September 18, 1888, 144 B, Fourteenth street.— Edward McGovern, who has a Class 3 license at this place, states that he has reason to believe that the floor over his saloon was used for gambling purposes and that he has no control of the upper part of the building.

Page 24, July 17, 1888, 2695 Eighth avenue.—James Mahar, is selling spirituous liquors, etc., without license. Place has never been licensed and business is carried on openly.

Page 36, July 19, 1888, basement of 91 Third avenue.—Is being run as an unlicensed place. Gambling is being regularly carried on in the rear. Officers of this board have repeatedly obtained drinks there. July fifth, on complaint on Excise Inspector James F. Seery, warrant was issued for the arrest of the person who sold liquor at this place. Warrant was given to Officer Roth of fourteenth precinct and he arrested a person other than the one of whom the warrant was issued in spite of protest of inspector. Of this you were informed July seventh. On July twelfth another warrant was issued and given to Officer Roth about 10 A. M. Two inspectors, John F. Seery and John J. Hart were present in court when Roth received the warrant, and asked him to make the arrest at once. He said it would be no use of going before 12 or 1 o'clock and left them. At 12 o'clock inspectors went to the place, at 12.30 the officer came. The place was open but no business was being done and the person for whom the warrant was issued was not there. Another appointment was made for 8 o'clock that evening but the officer did not make his appearance. The place was open and men were playing cards in the rear room, but the person for whom the warrant was issued was still absent. The board of excise charge that the place is run in violation of the law, and that the police of the fourteenth precinct make no effort to close the place; in the opinion of the board when he refused to go with the inspectors to execute the second warrant, he did so in order to convey information to the person for whom the warrant was issued in order that he might avoid arrest. This opinion is justified in the action of Roth who insisted upon arresting the wrong person in the first instance.

Page 49, July 24, 1888, 156 Wooster street.— License of John Perchatta to sell ale, etc., was revoked on the fourteenth inst. Demand for license, or surrender of license, was made and refused.

Page 52, July 25, 1888, 450 Pearl street.— James P. Line, 431 Pearl street. John Maier. Licenses have been suspended this day, and the places are now unlicensed.

Page 288, November 15, 1888, 183 Wooster street.— Emile Bibois, formerly licensed, but whose license expired September 20, 1888, is now selling liquor without a license.

Page 324, December 4, 1888, 546 Fifth avenue.— George C. Duffy, Class 3, has been canceled and no license issued in the same place.

Page 437, February 7, 1889, 15 Chrystie street.— License canceled. Place unlicensed.

Page 554, March 20, 1889, 2285 Third avenue.— Upon report from police department, now acknowledged, the approval of application of John Goldie, for renewal of license, expiring March 16, 1889, was rescinded. Place remains unlicensed.

Page 579, March 29, 1889, 55 West Twenty-third street, Eden Musee.— Ernest Andree Jurgins has this day surrendered his license and place is unlicensed.

Page 655, May 2, 1889, ditto.— License restored.

Letter book, board of excise, from May 4, 1889, to February 20, 1890.

Page 193, July 9, 1889, 1701 Ninth avenue.— Premises licensed to Charles H. McDonald. Has now no interest.

Page 431, November 2, 1889, 2641 Tenth avenue.— George E. Hopkins, license, has notified the board that he has given up business and other parties are selling on premises without license.

Page 489, November 29, 1889, 352 Eighth avenue.— Retail liquor business carried on without license; former licensee severed his connection.

Page 504, December 5, 1889, 2400 Second avenue.— Now unlicensed. No person right to conduct business.

Page 508, December 6, 1889, 1101 First avenue.— Retail liquor saloon by Josephine Walker, without license.

Page 511, December 6, 1889, 102½ Cherry street.— Quantities in less than five gallons sold without license.

Page 517, December 9, 1889, 132 West Broadway.— Thomas Smith. Without license.

Page 519, December 9, 1889, 175 Mulberry street.— Liquors sold without license.

Page 529, December 14, 1889, 25 and 27 Third avenue.—Astor Place Hotel, liquors and beer without license.

Page 535, December 17, 1889, 55 West Thirtieth street.— Liquors and beer, without license.

Page 536, December 17, 1889, 88 Delancey street.— Frederick A. Hoffman, running without license.

Page 539, December 17, 1889, 1975 Fourth avenue.— Liquors, ale and beer, without license. Place licensed in name of John O'Brien. Reputed to be owned by J. J. McGuire.

Page 548, December 19, 1889, 1325 Avenue A.—Liquors and beer, without license.

Page 562, December 24, 1889, 73 New street and 138 Fourth street.—Without excise license. Liquors and beer.

Page 588, January 2, 1890, 732 Cortland avenue.—Liquors and beer, without license.

Page 591, January 3, 1890, 271 West One Hundred and Twenty-fifth street.—Liquors and beer, without license.

Page 653, January 31, 1890, 6 Pearl street.—Quantities less than five gallons, without a license.

Page 653, January 31, 1890, 370 First avenue.—Quantities less than five gallons, without a license.

Page 654, February 1, 1890, corner Fortieth street and Seventh avenue.—Liquors and beer less than five gallons; formerly licensed in the name of Patrick Travera.

Letter book, February 21, 1890, *to April* 10, 1890.

Page 32, March 11, 1890, 119 Washington street.—Liquors and beer less than five gallons. Place not licensed.

EXHIBIT No. 18.—MAY 23, 1890.

Memoranda relating to number of inspectors employed by excise board and number of inspections made by them in the years 1888 and 1889; also number of new licenses and renewals granted in the same years:

Number of inspectors employed.

1888.—Chief inspector; deputy chief inspector; general inspector; twelve special inspectors; forty-eight inspectors (average).

1889.—Chief inspector; deputy chief inspector; general inspector; eleven special inspectors; forty-eight inspectors.

1890.—Chief inspector; deputy chief inspector; two general inspectors; twelve special inspectors; forty-eight inspectors.

The above details are taken from the City Record, official journal, and from pay-roll warrants in comptroller's office.

The duties of the above employes, I find on inquiry to be as follows:

The chief inspector and the general inspectors are engaged on work in and about the office; the special inspectors are principally engaged on clerical work at the office, but are also assigned to obtain special information in regard to licenses issued or to be issued and not coming within the province of the regular inspectors. The work of the regular inspectors seems to be entirely confined to obtaining the information concerning licenses applied for, as detailed in the blank form hereto annexed.

I understand that an inspection is made by a regular inspector for every new license or renewal of a license which is applied for, except-

ing in such cases as the board of excise has information which would preclude the granting of the information.

Number of inspections made and average number made by each inspector.

1888.

During this year there were 11,173 applications made for licenses, and assuming an inspection to have been made in each case, although in such cases as I have already referred to, inspections were not made, the average number of inspections for forty-eight regular inspectors would be about..... 232

1889.

Eleven thousand three hundred and fifty-eight applications for licenses would average for forty-eight inspectors about.. 237

Since the special reports are made by the special inspectors who are also engaged on clerical work in the office, I have not taken the number of inspections made by them, but will do so if the information is needed.

Number of new licenses granted.

1888.

There were issued, to premises never before licensed, or which had no license three months prior to date of issuing license.. 449
Included in this number are licenses transferred from other premises amounting to 71

Leaving as new licenses..... 378

1889.

Number of places never before licensed or not licensed within three months of date of issuing license 719
Number of licenses transferred included in these 232

Leaving new licenses..... 487

Renewals of licenses.

1888 8,879
1889 8,882

The licenses issued to parties purchasing from other licensees are included in the above, inasmuch as they are regarded as renewals.

INSPECTOR'S REPORT.

OFFICE OF THE BOARD OF EXCISE,
NEW YORK, ..., 189..

To the Board of Excise:

Application of ..... for license, class....., at.....
Visited .. .., 189.., located..... The business is (or is to be) carried on under the firm name or style of .....

Name of saloon, place, store or building, is..... Bar (or store) is on the.....floor. There are in other rooms, separate and apart from the bar-room, ... restaurant, ...café, and.....sleeping-rooms on premises.

I have carefully examined said premises and building, and find there is ... indication that the same are used, or are to be used, for gambling or other immoral purposes, and that .... part of said building is a resort for immoral persons. The balance of building is used for (or as)..... Part of the building is used as a skating rink, concert saloon, theater, or for sparring exhibitions. .....waiter girls are employed, and..... music is had on the premises. These premises..... known as being disorderly. There is..... license in the building now, class.....,which expires....., 189.., issued to ...., located on.....floor. These premises have... been licensed since..... There are.....signs on the premises advertising the sale of liquors and wines.

There are licensed places in the neighborhood, located as shown on the within diagram, with house numbers and class marked. There are in the neighborhood unlicensed places located as follows (also as shown on diagram marked):

Street and No.....

Location.....

The churches, schools, hospitals and asylums on the same block, on either side of the street, or within fifty feet of the place, are located as follows: ....

The character of surrounding neighborhood is... .....

Name of former licensee at this place was... ....., who removed to..... The former licensee was.... arrested for violation of the excise law..... A protest has... .....been made against this place..... ; an application was..... rejected for this place..... Upon diligent inquiry, I find the moral character and general reputation of the applicant to be.....

Applicant is.....a citizen of the United States and is.....a resident of this county..... Applicant is.....now licensed at this place, and has been since..... Applicant was formerly licensed for.....at..... Applicant's license was..... revoked ..... Applicant.... arrested for a violation of the excise law..... Applicant was..... .....convicted of violation of the excise law..... There is.....discharge filed ..... There is.....bill

of sale filed..... License for this place has.....be
surrendered..... The grade of internal revenue stamp, a
date of issue is..... Information from.....
Remarks: (Reference to above by numbers.)
Record.... ...
S. B.....

Respectfully submitted.

.....

Inspector of Excise

Examined by.....

Special Inspector.

Diagram showing saloons, etc., licensed and unlicensed. Class a
street number in neighborhood of place reported on herein.

CITY AND COUNTY OF NEW YORK, *ss.:*

The foregoing report is true, to the best of my knowledge a
believe.

.....

Inspector of Excise.

Sworn to before me this.....
day of....., 188....

.....

Notary Public.

EXHIBIT No. 19 — MAY 23, 1890.

EMPLOYES OF EXCISE BOARD COMPARED WITH LIST OF MEMBERS OF TAMMANY HALL.

NAME.	Residence.		Page.
Alexander Meakin	34 East Twenty-second street	Not on list	....
Edward T. Fitzpatrick	20 Gouverneur street		27
Joseph Koch	706 Madison avenue	Not on list	....
Edward Browne	158 West Twenty-first street	310 West Twenty-second street	199
James F. Bishop	58 West 125th street		216
James N. Morris	302 West Forty-seventh street	767 Eighth avenue	107
John J. McDonough	445 East Eighty-sixth street		154
Ansel E. Parkhurst	56 East Sixty-third street	Not on list	....
Peter N. Brady	432 West Forty-seventh street		108
John F. Quinn	152 East Fifty-second street		135
David Rothschild	1731 Lexington avenue		165
George E. Fahrbach	123 East Fifty-third street	935 Second avenue	135
Nathan Klien	132 East Ninety-fourth	Not on list	....
Jacob A. Wertheimer	714 Fifth street		78
Thomas F. Duncan	339 East Thirty-seventh street		115
Thomas E. Leeman	206 West Eighty-third street		209
Theodore W. Greig	2148 Seventh avenue	Not on list	....
David Hirsch	122 Second avenue		195
Charles Anthes	373 Fourth avenue		174
George H. Gale	406 West Fifty-eighth street		128
Charles E. Gildersleeve	35 West Ninety-second street	Not on list	....
Michael Haggerty	685 Third avenue	821 Second avenue	134
William Hogan	123 East Fifty-third street		143

EXHIBIT No. 19 — EMPLOYES OF EXCISE BOARD, ETC. — (*Continued*).

NAME.	Residence.		Page.
David Hoyle	101 East Eighty-ninth street	Not on list	....
Miller Mather	458 West Twenty-eighth street		93
Lansing Pruyne	570 Seventh avenue		113
John W. Saxton	321 West Twenty-first street		80
Peter M. W. Verhoeven	327 West Thirty-third street	Not on list	....
John Walker	155 East 124th street	Not on list	....
Wesley S. Yard	High Bridge, Twenty-fourth ward	Not on list	....
Robert L. Baldwin	247 West Twenty-sixth street	Not on list	....
William Barry	158 East Eighty-fourth street	Not on list	....
Daniel Bradley	50 Monroe street		28
Thomas Boylan	201 West Sixty-third street	Not on list	....
Richard Butler	127 West Houston street		38
John Carey	133 Macdougal street		188
Thomas Carroll	8 West street		50
Daniel J. Casey	188 Reade street	83 Reade street	7
Lawrence Collins	233 East Thirtieth street		207
Lawrence J. Collins	387 First avenue		203
William J. Connolly	52 Macdougal street	Not on list	....
Patrick Cunningham	1200 Madison street		148
Francis DeCanio	51 Spring street	Not on list	....
James Delaney	51 East 106th street		176
Louis Deibner	935 Third avenue	163 East Fifty-third street	137
Robert M. Dore	30 Oliver street	Corner Oak and James	13
Meyer Elsas	348 East Fifty-eighth street		137
Philip Emrich	581 East 154th street	530 Willis avenue	218

Thomas Fitzpatrick	20 Gouverneur street	Not on list	....
Joseph A. Flanly	149 East 154th street	142 East 124th street	167
Leopold Garde	342 East Fourth street	....	198
James J. Hagan	938 Tenth avenue	927 Tenth avenue	124
Edward W. Hart	242 West Sixteenth street	....	189
John J. Hart	2308 Second avenue	Not on list	....
John Healy	246 West Thirtieth street	Not on list	....
Martin Horan	302 First avenue	....	204
Samuel G. Koch	52 Macdougal street	Not on list	....
Joseph Krieger	400 East Eleventh street	402 East Eleventh street	86
Patrick Logan	416 West Thirty-fifth street	Not on list	....
Edward F. Mallahan	620 Sixth avenue	Not on list	....
John Mallan	167 Perry street	....	193
Louis Mand	632 East 146th street	146th street and Third avenue	174
Patrick J. Moriarty	230 East Twelfth street	Not on list	....
Patrick Moynahan	112 East 118th street	Not on list	....
Matthew J. Murphy	353 East Eighty-third street	....	148
Francis J. O'Connor	50 East Roosevelt street	....	180
James O'Sullivan	217 East Twelfth street	....	88
Thomas Pearson	71 East 120th street	2130 Fourth avenue	157
Saluel Rauch	241 East Houston street	8 Avenue B	194
Francis Redmond	183 Hudson street	Not on list	....
James F. Seery	1262 Second avenue	....	146
Henry W. Steffin	239 East Forty-second street	....	211
Joseph W. Siebert	56 Lewis street	....	40
Julious Simon	56 Rivington street	Not on list	....
Edward F. Skiffington	164 Avenue C	....	197
John J. Sullivan	2 Broome street	....	45
Patrick F. Trainor	550 West Forty-fifth street	....	206
James J. Welsh	328 East Twenty-seventh street	....	118

EXHIBIT No. 19 — EMPLOYES OF EXCISE BOARD, ETC. — (*Concluded*).

NAME.	Residence.		Page.
James Hayes	37 East Tenth street	Not on list	....
Emma G. Dymond	352 Bowery		....
SPECIAL PAY-ROLL FOR APRIL, 1890.			28
George J. Brown	301 East Broadway	Not on list	....
Edwin K. Haggerty	32 West Twenty-sixth street	Not on list	....
Joseph J. Sharp	883 Eighth avenue	Not on list	....
Thomas Ferris	233 East Thirtieth street	Not on list	....

EXHIBIT No. 20 — May 23, 1890.

Police Department of the City of New York,
300 Mulberry Street,
New York, *May* 20, 1890.

Messrs. Tracy, MacFarland, Ivins, Boardman and Platt:

Gentlemen.— In further reply to your favor of the fifteenth inst., relative to a request for report of action of police on certain cases reported by the board of excise where licenses have been revoked, or licenses refused, the board of police have directed me to transmit herewith report of superintendent thereon.

Very respectfully.

Mr. H. KIPP,
Chief Clerk.

New York, *May* 19, 1890.

To Board of Police:

Gentlemen.— In compliance with instructions received tenth inst., I herewith transmit reports in reference to licenses revoked by the board of excise, as per list received, and action taken by the police in reference to the matter.

Respectfully.

WILLIAM MURRAY,
Superintendent.

EXHIBIT No. 21 — May 23, 1890.

Statements showing the number of complaints for excise violations wherein, (1) witnesses were subpœnaed and papers prepared for action of grand jury; (2) indictments found; (3) complaints dismissed; (4) total disposed of in each month since May 1, 1889.

	Number placed before grand jury.	Indicted.	Dismissed.	Total disposed of.
1889.				
May	324	44	58	102
June	78	17	5	22
July	8	4	2	66
August	11	4	2	6
September	50	5	2	7
October	70	22	10	32
November	125	41	28	69
December	119	17	11	28

	Number placed before grand jury.	Indicted.	Dismissed.	Total disposed of.
1890.				
January	322	83	43	126
February	167	21	40	61
March	101	16	15	31
April	182	28	43	71
To May 19	116	51	2	53
	1,683	353	261	614

During the above period (May 1, 1889, to date) excise cases have been disposed of in court:

Convictions	44
Acquitted	1
Discharged	14
Transferred to Special Sessions	198
Bail forfeited	36
	293

EXHIBIT No. 1 — May 26.

Payments to Asylums, Reformatories and Charitable Institutions — Years, 1885-9.

	1885.	1886.	1887.	1888.	1889.
New York Asylum for Idiots	$658 00	$1,068 00	$778 00	$782 00	$940 00
American Female Guardian Society	25,000 00	25,000 00	25,000 00	25,000 00	25,000 00
Children's Aid Society	75,000 00	70,000 00	70,000 00	70,000 00	70,000 00
Children's Fold of the city of New York	15,318 00	16,184 00	17,245 29	17,219 71	15,453 44
Foundling Asylum of the Sisters of Charity	248,480 13	264,189 67	241,359 76	251,259 65	258,216 28
Hebrew Benevolent Society of the City of New York	44,969 50	51,153 61	52,246 14	58,165 45	38,585 60
Hudson River State Hospital	2,017 81	12,457 71	7,165 52	7,451 55	7,597 40
Institution for the Improved Instruction of Deaf-Mutes	13,328 89	13,122 44	15,240 98	16,171 99	18,000 89
New York Institution for the Blind	5,770 33	5,592 49	6,158 22	6,287 72	5,151 24
New York Institution for the Instruction of the Deaf and Dumb	11,645 90	12,363 63	13,368 36	14,186 36	15,328 01
New York Magdalen Female Benevolent Asylum and Home for Fallen Women	294 78	160 93	75 64	239 59	198 00
New York Juvenile Asylum	99,587 15	98,111 64	99,347 00	108,402 97	111,704 38
New York Infant Asylum	76,594 18	82,547 99	92,803 37	86,786 71	85,670 87
New York State Lunatic Asylum	611 24	1,388 99	1,008 22	554 10	1,165 50
New York Catholic Protectory	246,110 47	217,953 86	257,569 41	244,636 97	238,810 43
New York Society for the Relief of the Ruptured and Crippled	25,250 32	25,684 10	24,861 78	23,574 32	24,353 58
New York Infirmary for Women and Children	2,625 00	2,725 00	3,150 00	2,525 00	3,275 00
Nursery and Childs' Hospital	113,581 15	104,351 64	103,424 59	105,254 41	87,581 18
Protestant Episcopal House of Mercy	782 95	647 04	1,425 48	3,292 10	6,777 38
Roman Catholic House of the Good Shepherd	1,810 46	1,995 97	3,669 78	5,059 75	8,057 21
State Homœopathic Asylum for the Insane	1,866 69	2,696 92	2,360 71	2,920 42	3,294 39
State Asylum for Insane Criminals at Auburn, N.Y.	1,721 92	1,231 07	2,252 43	4,460 64	3,875 55
The Shepherd's Fold of the Protestant Episcopal Church in the State of New York	5,000 00	5,000 00	5,000 00	5,000 00	5,000 00
St. Joseph's Institution for the Improved Instruction of Deaf-Mutes	15,859 36	16,232 00	17,352 13	18,617 98	19,543 17
Five Points' House of Industry	10,378 08	10,028 45	7,652 84	6,816 46	4,979 09

EXHIBIT No. 1—May 26—(*Concluded*).

Payments to Asylums, Reformatories and Charitable Institutions—Years, 1885-9.

	1885.	1886.	1887.	1888.	1889.
Association for Befriending Children and Young Girls	$10,376 86	$6,936 01	$5,729 43	$6,583 44	$7,383 15
For support of children committed by magistrates to various charitable institutions in the city of New York at a per capita allowance of $2 per week. Deficiencies	.....	99,990 70	235,722 86	.....	.....
Total	$1,043,645 61	$1,148,833 84	$1,312,069 24	$1,089,246 85	$1,086,047 70

J. F. BANETT,
General Bookkeeper.

Indorsed:

Statement of amount paid from taxation to asylums, reformatories and charitable institutions during the years 1885-1889, inclusive.

EXHIBIT — MAY 27, 1890.

EXCISE BOARD.

Memoranda relating to system of keeping record of moneys received from licenses, the deposit of same, etc., also salaries paid to the various employes.

LICENSES.

These moneys are received by the cashier or assistant cashier, each of whom gives bonds for $20,000, with two sureties for $20,000 each.

The receipts are entered upon the treasurer's book, giving the name of the licensee, location, precinct, class, grade, number of license and amount paid.

At the close of each day, a statement is prepared giving the number of the license, name of applicant, premises licensed, and amount paid. At the end of each month, these statements having been sworn to by the cashier are sent to the chamberlain's office with a check for the total receipts for the month.

The daily receipts are deposited in the German Exchange Bank, at at the close of business each day, and on the following morning, the cashier of the bank sends to the treasurer of the board of excise a statement showing the amount on deposit to the credit of the board.

At the close of each day also, the engrossing clerk, who has charge of the licenses approved of until the applicant pays the cashier for the same, prepares a statement of the licenses issued and amount received which must tally with the receipts as shown by the cashier's book. The statement is signed by the engrossing clerk and the cashier and sent to the treasurer of the board, and must agree with the amount certified to by the cashier of the German Exchange Bank as deposited with him. An entry of the amount so received is made on the secretary's minutes.

All applications for licenses must be signed by two commissioners, and the licenses, after they are filled out by the engrossing clerk, must be accompanied by the approved application before receiving the signatures of the commissioners.

SALARIES.

	Salary.
Commissioners (three), each	$5,000 00
Counsel	5,000 00
Secretary and chief clerk	3,000 00
Assistant secretary	2,000 00
Cashier (under bonds for $20,000)	3,000 00
Assistant cashier	1,800 00

Q. How long did you hold that office? A. I held that for one year, sir.

Q. And the next? A. In 1873 I was elected coroner.

Q. For how many terms did you hold the office of coroner? A. Two terms.

Q. That is of three years each? A. Three years each; two terms up to 1880.

Q. That brings us down to the year 1880? A. Yes, sir.

Q. Then I believe you held the office of fire commissioner for a certain period? A. Yes, sir.

Q. When was that? A. I was appointed in 1883 fire commissioner by Mayor Hewitt; I held that up to the time that I was appointed city chamberlain.

Q. You were appointed city chamberlain by Mayor Grant, at what time? A. That was about — I don't know the date.

Q. Well, it was soon after he came into office? A. Soon after; right after Mr. Ivins term.

Q. And if I recollect aright, it was a year ago last spring that he was appointed.

Mr. IVINS.— April, 1889.

Mr. CHOATE.— April, 1889?

The WITNESS.— Yes.

Q. You succeeded Mr. Ivins in that office? A. Yes, sir.

Q. How did you cease to be chamberlain? A. Well, my health grew so bad that I felt I ought to give it up.

Q. You resigned on account of ill health? A. Yes, sir; I was breaking down in health for some time.

Q. When did that resignation take place? A. Of chamberlain?

Q. Yes. A. I don't know the exact date; you can easily ascertain that; I have not got the date.

Q. Well, how long did you hold the office? A. I think about eleven months; ten or eleven months.

Q. That would bring you down to about March or February of the present year? A. Yes, sir; I resigned from the office in — I left New York on the eighth of February.

Q. The eighth of February? A. Yes, sir.

Q. And you resigned before that? A. Yes, sir.

Q. Where did you go from New York, and with what object? A. I went to seek health in Europe.

Q. And where were you located at the time that you heard of this examination before this committee? A. I was in Weisbaden, Germany.

Q. Under medical care? A. Yes, sir.

Q. Under whose care? A. Under Dr. Wilhelme.

Q. What was the object of your return to New York? A. To meet those charges that have been made against me.

Q. Did you return by the advice of the physician or physicians under whose care you were? A. No, sir; I did not.

Q. What? A. No, sir; they advised me to remain there.

Q. They advised you not to come? A. Yes, sir.

Q. Now I shall come directly to the charges that have been made involving your credit, by Mr. McCann? A. What, sir.

Q. Mr. McCann is your brother-in-law, as he stated? A. Yes, sir.

Q. Now, on the twenty-sixth of April, Mr. McCann testified at page 6 of that batch—I have not got it all paged—but it is page 6 of the stenographer's minutes; I will read you Mr. McCann's statement, and then I shall ask you what you have to say about it. "Q. Did Mr. Croker ever go to your store, having with him a sum of money, and telling you that that was the amount of money that had been raised for the purpose of securing sufficient votes in the board of aldermen to confirm Mr. Grant?" He answers, "Yes." "Q. You say yes; did you see the money? A. Yes. Q. This was in your own house? A. My store. Q. Did you count the money? A. No. Q. Did Mr. Croker tell you how much it was? A. Yes. Q. How much was it? A. About $180,000. Q. $180,000? A. Yes, sir. Q. What form was it in? A. Bills. Q. You saw it in bills? A. He had it in a satchel. Q. How did Mr. Croker come to tell you about that at that time? A. He came to me to know if I knew some people in the neighborhood that he would like to meet? Q. Some people that he would like to meet? A. Yes, if I knew them. Q. As relating in any way to this business? A. Yes. Q. Did Mr. Croker leave that money in your store? A. No. Q. How long was he there? A. Probably an hour and three-quarters. Q. He took it away with him? A. Yes. Q. Did Mr. Croker tell you who had raised this money and from whom it had been raised? A. He mentioned the name of Maloney and somebody else. Q. Billy Maloney so known? A. Yes, sir. Q. Mr. Maloney is the man who is now in Canada? A. I believe so. Q. Did he tell you from whom Mr. Maloney raised that money? A. No, sir. Q. Did he say that it was raised by way of subscriptions in Tammany Hall? A. No, he said it was raised by the organization. Q. The organization? A. Yes. Q. By the organization, meaning Tammany Hall. A. I suppose so; he did not mention Tammany Hall. Q. You so understood it? A. That was my inference at the time. Q. Did he tell you that Mayor Grant had contributed any part of that money? A. Yes. Q. How much

did he tell you Mr. Grant had contributed towards this money for use in the board of aldermen to secure confirmation? A. Eighty thousand dollars. Q. That was the board of which Mr. Grant was himself a member? A. Yes. Q. When did this conversation occur? A. Some time in December or about the first of January. Q. Late in December or the first of January, 1884? A. This was in January 1883 or in 1884 about Christmas time; some time after Christmas."

Q. Now, Mr. Croker, what do you say as to the truth of that story or any part of it? A. It is absolutely untrue.

Q. In all particulars? A. In all particulars.

Q. You did, in fact, on one occasion about that time go to his store? A. Yes, sir.

Q. Did you carry with you a satchel? A. No, sir.

Q. Did you carry with you a bag or any other receptacle holding money? A. No, sir.

Q. Did you carry any money? A. Positively no, sir; only what I used in my pocket around day by day.

Q. Had you in fact, raised, or had the organization with which you are connected, Tammany Hall, or any other organization, raised, to your knowledge, any sum of $180,000 or any other sum of money, to secure Mr. Grant's confirmation or anybody else confirmation as commissioner of public works? A. No, sir.

Q. Had Mr. Grant contributed $80,000, or any other sum, for any such purpose? A. No, sir; not to me, or to my knowledge at all.

Q. Did you make any such statements to Mr. McCann? A. No, sir.

Q. In either particulars to your having money or its having been raised, or Mr. Grant having contributed any part? A. No, sir; if you will pardon me, I will tell you what I did say to him.

Q. I am coming to that in a minute; you made no such statement as that? A. No, sir; not about us receiving money; no.

Q. Now, Mr. Croker, will you please to state what was the object of your visit to Mr. McCann's store at that time, and then state to the committee exactly what took place between you and him? A. Yes, sir; I will be glad to do that; Mr. McCann on his own invitation invited me to meet Mr. Adams; I never met him in my life before.

Q. Mr. Thomas Adams? A. Yes, sir; he said he had a notion of taking him in as a partner, and in conversation with McCann about Mr. Adams, I said to him: "It is rumored all around that there has so much money, $80,000, been raised to confirm Mr. Thompson and keep him in the board, to hold him over — it is rumored"— that is, there was a general rumor all over New York, and I said: "By the way, maybe Mr. Adams might know something about it;" I asked McCann,

and he said: "Probably he does; he knows all those people;" he said he knew Pierson, I think he said that, I would not be positive about that, but he said he knew one or two aldermen.

Q. Pierson was a republican alderman? A. Yes, sir; I went on his own invitation; and was introduced to Mr. Adams at his own store.

Q. At whose own store? A. At Mr. McCann's store.

Q. That is, he called Mr. Adams there? A. Yes, sir; and he wanted me to talk with Mr. Adams and tell him what I thought of Mr. Adams as a man before he took him into business, to talk with him and give my advice back to him as to what I thought of him; that he had thought of bringing him into the business with him.

Q. Now, Mr. Adams came and you had a talk with him? A. Mr. Adams came to that store and I talked with Mr. Adams about Mr. McCann's business first, probably five or six minutes, probably ten minutes.

Q. Now tell the committee all that you can remember that passed between you and Mr. Adams about business? A. All that I can remember saying to Mr. Adams — and I have not seen him before or since — was, that I heard through Mr. McCann that he was going into business with him, that Mr. McCann had suggested to me that he thought of taking him in, and I talked with him in the best way I could to find out what kind of a man he was, to judge him, and report back to McCann; now I said to Mr. Adams: "Why wouldn't you go up to Harlem in business; wouldn't it be better?" he said: "No, I think we can do well down here;" something to that effect; I can not recall the exact words; but I said: "By the way, wouldn't any of these aldermen that are in this deal against us, that we are trying to hold over Thompson" — Pierson — I don't know whether I mentioned Pierson's name or not, I forget it; but I know I was trying to stop and expose what they were doing to hold over the commissioner of public works, and to expose it in every way; and I said to Mr. Adams: "Now, if you know anybody else, I wish you would let me know;" I think he said he knew Pierson, but he didn't know that he was into anything, and he could not give me any information on that subject at all; it stopped at that; I had nothing more to say about it; I saw Mr. McCann afterwards and I told Mr. McCann that I thought Mr. Adams was a smart fellow from the conversation that I had with him, a very smart fellow; I said: "I think he is a smart fellow; you know him better than I do;" he said: "Yes, he is a very smart fellow;" I said: "I think he is a very smart man; you know more about him than I do."

Q. That was the substance of the conversation with Mr. Adams? A. It was rumored that there was $80,000 up, and Mr. McCann knew there was that rumor up against us; I had talked with him, and he said: "By the way, you better speak to Mr. Adams about that, and you might get some information on that subject;" that is all that we talked between us.

Q. Let me call your attention to something more Mr. McCann testified to on that subject, and that is on page A 4.

Question to Mr. McCann: "Q. What brought him to your store with that money which he said represented $180,000? A. Well, he came to me — that was in 1883, two years before our unpleasantness; he came there to inquire if I knew a certain gentleman in the neighborhood that it would be safe to trust that money with, if the aldermen he wanted to reach would be satisfied with him holding the money. Q. He wanted to get a custodian? A. Yes. Q. And he told you that? A. Yes, sir. Q. What was it he inquired for? A. A man utterly unworthy. Q. Well, that is very likely; but who was he? A. If I knew Tom Adams; Tom Adams previous to that time was the financial man of H. B. Claflin & Co., and at that time he was in disgrace without knowing it; I did not know that at that time he had been discharged for embezzlement, and I mentioned his name, but it was not agreeable to the other people. Q. Did he desire to leave money with Tom Adams if the reference has been satisfactory? A. Or some other party whom the aldermen would accept. Q. You saw the money in packages you say? A. Yes. Q. Did he open the satchel and show it to you? A. Yes. Q. Now, just give us in detail that circumstance of his coming in, of his bringing the satchel and of his showing it to you; just tell how that occurred? A. He came to the store, it was in the afternoon about half-past 5 o'clock, or 6 probably, when we were closing, and asked me if this man Adams was perfectly reliable; I told him, as far as I knew, he was; he knew he was a friend of mine; I sent for Adams; they had a conversation; I do not know what took place between them; and afterwards I found out that the people whom he wanted to negotiate with would not trust Adams. Q. Tell the circumstance of his showing you the money; that is what I want to get at? A. He told me what he had it for, and what he wanted this man to do with it. Q. Tell me what he said and what you said? A. He told me he had been out all day, that they had made arrangements to have Grant made commissioner of public works, and to get that, it was necessary to get some of the aldermen, and to get them they had to raise some money to have him

confirmed. Q. He had the money? A. Yes." Q. What do you say to the truth of those statements? A. It is positively untrue.

Q. The whole of them? A. Yes, sir.

Q. Did you represent to him in any way that what you wanted of Adams was to find out if he was a reliable man so that this $180,000, or any money, to secure the confirmation of Mr. Grant, could be placed in his hands if he were satisfactory to the aldermen who were to be concerned? A. No, sir; no truth at all in that.

Q. Had you any such purpose in asking to see Adams? A. No, sir; none at all.

Q. Or any other purpose than to gratify McCann, as he had asked you to see him? A. No, sir; it was more for his welfare than anything I wanted; but I thought I would speak about the other as I was there, because he told me himself that Mr. Adams knew some of the other side.

Q. Now, I call your attention to something else he said: "Q. He showed you the money? A. Yes, sir. Q. Showed you the satchel? A. Yes; showed me what boodle he had inside, what packages of money he had. Q. Did he spread it out on the table? A. No, sir. Q. Just opened the satchel and showed it to you? A. Yes, sir. Q. You looked into it and saw the packages? A. Yes, sir." Q. What do you say as to the truth of that? A. No truth at all in it.

Mr. CHOATE.—Mr. Ivins, I refer now to the testimony going on to a page 9, which seems not to have any lettering, but I suppose it is Mr. Corcoran's cross-examination.

Q. He says that in a day or two after you visited his store; "It may have been three or four days after that I met Mr. Croker, and he said 'Mac, the people wouldn't trust that fellow;'" did any such thing as that occur? A. No, sir.

Q. Did you make inquiries of any aldermen about Adams, or whether he was to be trusted? A. No, sir.

Q. Did you say anything in substance or effect like that to Mr. McCann? A. No, sir; all I heard about Adams was from Mr. McCann; he seemed to think pretty well of him; he thought so well of him that he would bring him into business with him; he wanted me to examine and inquire what sort of a man he was.

Mr. CHOATE.— At page 10 of the cross-examination, Mr. Ivins.

Q. At that place Mr. McCann says in substance that he had previously recommended Mr. Adams to you, as a suitable person to hold this money; is that a fact? A. McCann had recommended him.

Q. To you as a suitable person to hold this money; is that true? A. No, sir.

Q. In any respect? A. No, sir.

Mr. Croate.—At page 11, Mr. Ivins.

Q. "Mr. Croker told me that he knew a couple of aldermen they wanted to reach; there was two aldermen that he wanted to reach that he knew Adams knew;" what do you say about that? A. Well, what I have got to say about that is this, that Mr. McCann had told me that he thought Mr. Adams knew a couple of aldermen.

Q. Meaning Mr. Pierson? A. Yes, sir—I don't remember exactly whether it was Mr. Pierson or who it was, but he said he thought he knew a couple of Republican aldermen that I might talk with him about that would prevent the confirmation of Mr. Thompson.

Q. Thompson? A. Yes, sir; or whoever Mr. Thompson might want confirmed; we were trying to stop the confirmation of the County Democracy aldermen at that time.

Q. Will you state to the committee what the situation then was about the commissioner of public works, as you understood it, in reference to Mr. Thompson's possible continuance or continued holding through himself or another of the office? A. We were doing all we could to stop him from holding over.

Q. You mean by "we" who? A. The organization of Tammany Hall.

Q. That is you? A. Not me alone, the whole organization; I was only a part of it; we did all we could to stop it; they did all they could to hold him over.

Q. What was the idea; that if he could hold over until after the first of January, what would happen? A. We thought we could get his place for six years longer, and in the mean time rumors were around that there was $80,000 up to prevent any successor taking his place that might be friendly to Tammany Hall, and we wanted to expose that in every way we could.

Q. Mr. McCann says that during the month of December you told him that Grant was your candidate for commissioner of public works; did you tell him so? A. No, sir.

Q. Was Grant, in fact, your candidate? A. No, sir.

Q. Did you suggest it? A. No, sir.

Q. Did you solicit his appointment? A. No, sir; never heard of it; I may have seen his name mentioned in the papers with others, but he was not the candidate from Tammany Hall.

Q. Did you say to Mr. McCann that you believed that Mr. Edson would nominate Grant if you could secure his nomination or confirmation by the board of aldermen? A. No, sir; no, sir; I never did.

Mr. Croate.—Page 1M, Mr. Ivins.

Q. I read again from Mr. McCann's testimony in a little different shape, at page 1M. "Q. Now I understand your testimony to be that Mr. Croker came unexpectedly to your store with a bag in his hands containing $180,000, and that he asked you what kind of a man this man Adams was, and whether he could be trusted, and you said he could be trusted with his life? A. I said so; what I had he could have. Q. And thereupon Mr. Croker said there were a couple of aldermen he wanted to reach, and he asked if you would not go around and get Adams, as he wanted to make Adams a stakeholder of this $180,000; is that right? A. No; he did not say stakeholder. Q. Well, he wanted to put that $180,000 into his hands? A. If satisfactory to the other people. Q. What other people? A Those two aldermen he wanted to reach. Q. So he was going to put the whole $180,000 into his hands in case it was satisfactory to these two aldermen? A. If those aldermen would be satisfied with him, that the deal would go through. Q. Now, that is the question; were the $180,000 to be put in Mr. Adams' hands if he could reach the two aldermen that Mr. Croker referred to? A. I wouldn't swear to that, I simply say that he had the $180,000 and he wanted to see Mr. Adams; that those two aldermen had to be reached; he understood that he knew them very well, and sent for them and had the conversation, and he saw the aldermen and the aldermen would not trust him; and what they done with the money I don't know anything about. Q. How do you know the aldermen would not trust them? A. Mr. Croker said the aldermen would not trust him. Q. That they would not trust Adams? A. Yes. Q. Now, do you know who those two aldermen were? A. Yes. Q. Who were they? A. Shall I answer? Q. Yes; you may answer. A. Pierson and Alderman Wendell."

Q. What do you say to that? A. It is not true at all, sir.

Q. In any respect? A. No truth at all about it; those aldermen ought to be called here if they said so; they would not trust him.

Q. Did you ever have any conversation with Alderman Pierson or Alderman Wendell on the subject? A. No, sir; most of those aldermen we put out of Tammany Hall, that he has testified about, so that it is likely they would come here and testify now.

Q. Again he says: "Croker said he had information that Adams, my friend, knew those men, and that he had so much money to get Grant's confirmation as public works commissioner; that those two men were necessary, and that they would have a talk, and if Adams was to be trusted, he would like to get Adams;" did you say that to him? A. No, sir.

Q. "And that he brought around the $180,000 for that purpose? A. I did say, and now repeat it, that Croker told me that he would talk to Adams, and if Adams could be trusted, that he did want to reach those two aldermen, and he understood that Adams knew them very well;" now, did you have any conversation with him about Adams, except what you have stated in respect to his proposed venture in business with him, and that you, at his request, would talk to him? A. No, sir; I may have said Adams, if he knew Pierson or some other aldermen —

Q. I am speaking of your conversation with McCann? A. Oh, I told Mr. McCann all about this other matter and he probably had told Adams, and he said to me: "You better see Adams and talk to Adams about it; he may give you some information about that;" after I got talking with Mr. Adams, I asked Mr. Adams if he knew, I think Pierson, if he knew Pierson or may be some one else, I don't know; but he said yes, he knew him; and I said: "It is rumored all around that they have got this compact against us, and they are going to try and hold Thompson over; do you know anything about it?" He said: "I don't know anything about it; I know Mr. Pierson, but I don't think Mr. Pierson has got anything to do with it," or something like that; then I switched off on to the business of McCann, and kept talking.

Q. How did you hear that $80,000, or any sum of money, had been got together to secure the continuance of Thompson in office? A. There was a general rumor all over the city, in politics.

Q. You mean Hubert O. Thompson? A. Yes, sir.

Q. Did your organization, Tammany Hall, have a candidate in the latter part of 1884 for the office of commissioner of public works? A. Yes, sir.

Q. They generally have a candidate for everything that is open, don't they? A. Yes, sir; we have always got one.

Q. Who was that candidate? A. John McQuade.

Q. Any other? A. He was the only one that was suggested by the organization that I knew of; I believe that Fitz John Porter's name was sent in, but not through the committee; but Mr. Kelly, at that time, was sick in his house, sitting up in a chair, and I went to his house, and he gave me the name, and also another gentleman, to send down to Mr. Edson, the name of John McQuade, and said that that was the man he desired to have made commissioner of public works.

Q. Mr. Kelly was then alive? A. Mr. Kelly was then alive and sick in his house; I conferred with him every afternoon at his house.

Q. And still acting as boss? A. Well, you can call it boss or leader.

Q. Or leader of Tammany Hall? A. We were doing everything we could to carry out his orders.

Q. Now I call your attention to another statement of Mr. McCann at page 7M; this is about ten cents a barrel for cement that you were going to get: "Q. Did Mr. Croker say anything to you about the reason why he had an interest, or why he felt an interest in, or was active in the matter of securing the confirmation of Mr. Grant for the commissionership of public works? A. Yes. Q. He did? A. Yes, sir. Q. When was that? A. During this campaign. Q. During that same campaign? A. Yes. Q. That is, you mean during the campaign for the commissionership? A. Yes, sir. Q. In other words, during that holiday week? A. During the time that Grant was candidate for the position, and up to the time that Squire was appointed. Q. What was the conversation between Mr. Croker and yourself upon that subject? A. He was interested; he would like to have him appointed; that it would be a benefit to him and be a benefit very much to everybody connected with the department. Q. Did he tell you how it would be a benefit to them? A. Well, to himself personally, he told me; yes; on one matter it would be a great benefit to him. Q. Did he tell you what the matter was? A. Yes. Q. What was it? A. On the matter of the cement to be used in the department, and in the building of the aqueduct. Q. What aqueduct? A. This one that has been since built. Q. The new one? A. Yes. Q. Did he tell you how it would be of interest to him in the matter of cement? A. Yes. Q. Well, tell us about it; don't make me ask so many questions; tell us the story; tell us the conversation? A. Well, he told me there was a manufacturer of cement on the Hudson river near Newburgh, I think, or some place about the Catskills, that was making a cement just as good as the cement that was used, and that if Grant was appointed commissioner of public works that they would adopt his cement, and that he was to receive ten cents a barrel for every barrel that would be used in the department. Q. Mr. Croker was to receive ten cents a barrel? A. Yes, sir. Q. Did you have any further talk with Mr. Croker about matters of that kind, as to what the interest would be; did he say anything to you about the influence of the commissioner of public works in the aqueduct board? A. If he was confirmed he was to get that; that this cement would be used; he was to get that royalty out of it;" what do you say to that, Mr. Croker? A. It is positively untrue.

Q. You had no such conversation with him? A. No, sir.

Q. And did not tell him in any way that if Grant could be confirmed as commissioner of public works you would get ten cents a barrel on every barrel of cement used in the department? A. No, sir.

Q. Or in the aqueduct? A. No, sir.

Q. Or any other advantage? A. No, sir; never told him anything of the kind; never told him anything of the kind, sir.

Q. Again he says at page 11M: "He said that Mr. Grant if appointed commissioner of public works could get this cement used in the aqueduct and in the department of public works; that they would have it used; he mentioned both the aqueduct and the department of public works, in the improvements;" was any such talk as that had by you with McCann? A. No, sir.

Q. Now I come to another matter; do you remember the fact of Mayor Grant standing for your daughter when she was baptized or christened? A. Yes, sir.

Q. Do you remember the fact of his making presents of money to that same daughter after he became sheriff? A. Yes, sir.

Q. What were the amounts? A. Five thousand dollars the first amount, $5,000 the next.

Q. And was that all? A. That was all; positive.

Q. Were those presents made by him to your daughter in pursuance of any understanding or agreement or arrangement with you? A. No, sir; not the least.

Q. Did you know before he brought them that he had any intention of doing so? A. No, sir; no, sir; no more than I know now that you are going to give it.

Mr. Choate.— I am not. [Laughter.]

Q. Was there any understanding or suggestion from you to him, or Mr. Grant to you that in the event of his being made sheriff, nominated as sheriff, elected to be sheriff, any personal advantage should accrue to you or any member of your family? A. No, sir; not the slightest.

Q. I mean in any shape or form? A. Not the slightest in any shape or form.

Q. In what form was this money? A. Well —

Q. I mean to say, was it in bills in an envelope? A. It was in bills in an envelope.

Q. Who was present and where did it take place, the first time? A. Mrs. Croker was in the room; in the parlors.

Q. You and your wife and the child, and Mayor Grant, or Sheriff Grant? A. Yes, sir; Mrs. Croker took the money.

Q. Now, where did Mrs. Croker put the money? A. I think she put it in the safe up stairs.

Q. You had a safe in the house? A. Yes, sir.

Q. In which she had a compartment? A. Yes, sir; she had her own compartment.

Q. And then, as Mr. Grant has said, in the following year there was the second present of $5,000? A. Yes, sir.

Q. Do you so remember it? A. Yes, sir.

Q. Who were then present? A. Both of us; in the parlor.

Q. And who took the money then? A. Mrs. Croker.

Q. Now, Mr. Croker, have you and Mrs. Croker invested that money — A. Yes; she took it away from the child; she did not take it directly, she took it from the child.

Q. And put it as before in the safe? A. Yes, sir.

Q. Have you and Mrs. Croker invested that money for the benefit of the child? A. Yes, sir; we have.

Q. Will you please state when, and where and how much? A. We invested that in property in One Hundred and Forty-eighth street and Seventh avenue.

Q. Was that the property that you purchased from Mr. David Dudley Field? A. Yes, sir.

Q. Cyrus Field? A. Cyrus Field, I think; my mother-in-law purchased it for us.

Q. That is, the purchase was made by Mrs. Frazier? A. Yes, sir; for us.

Q. Mrs. Catherine Frazier, is that the name? A. Yes, sir.

Q. The mother of Mrs. Croker and Mrs. McCann? A. Yes, sir.

Q. Can you state the day on which that property was so purchased by you or in her name? A. Not without looking at a memorandum.

Mr. CHOATE.— Shall I give him this memorandum? I may state that Mr. McClure, the lawer who passed the title, examined the title for the — handed it to me this morning.

Senator HENDRICKS.— Certainly.

[Memorandum handed to witness.]

Q. What was the date of the contract for the purchase of the property? A. Property purchased in the name of Mrs. Catherine Frazier, $36,500; November thirtieth, title passed and deed recorded; paid cash $16,500.

Mr. IVINS.— November thirtieth, when?

The WITNESS.— November 30, 1887.

Q. And the date of the contract, October fifth? A. Paid by bond and mortgage, $20,000 — outstanding, $20,000.

Q. Now then, the date of the contract I want to get at? A. This property was by deed dated November 2, 1887, recorded July 19, 1889, conveyed by Catherine Frazier to Richard Croker and Elizabeth Croker, his wife.

Q. What was the object of taking the title to that property in the joint names of yourself and Mrs. Croker? Q. Well, one object was that Flossie — that this might be put out to advantage to our daughter, that she might derive a good interest from it; and that was the only piece in our joint names.

Q. Was it in pursuance of an understanding with Mrs. Croker, between you and her, that that was done? A. Yes, sir.

Q. For that purpose? A. Yes, sir.

Q. Then you took her $10,000 and added to it $6,500 of your own? A. Yes, sir.

Q. Now, can you tell the committee whether that has been a safe investment of that money? A. I think it has, sir.

Q. What has been the result in respect to the money put into that, of the course of value of that property? A. There is a mortgage of $20,000 on it to-day, and I think to-day it is safe to say that it is worth $70,000 — $70,000 or $72,000; double; very near double.

Q. So that every dollar you put in, including this $10,000, has doubled in value? A. Yes, sir.

Q. You knew, I suppose, that in taking it in your joint names in case of the death of either, the survivor would hold it? A. Yes, sir.

Q. What was the object of that property being contracted for in the name of Mrs. Catherine Frazier, if there was any object? A. Well, I thought probably that she could speculate and get it cheaper than I could.

Q. That is, if it was disclosed to the owner that you were the proposed buyer you would have to give more money for it? A. I would have to give more money for it; she has always speculated in property, and was a good buyer, and for that reason I selected her; my wife selected her, and we both agreed to it, that she could go and do it.

Q. Now, I want to call your attention to another subject; it appears here a deed has been put in evidence by John Keating, of property 38 West One Hundred and Twenty-fifth street to you June 6, 1889; will you state the facts in reference to Mr. Keating's connection with that transaction; Mr. McClure gives me this; this is Mr. McClure's memorandum; [Paper handed to witness.] A. Contract for purchase of property, made in the name of James Keating, $65,000.

Q. What date? A. May sixth.

Q. Well, now, what was paid on the contract? A. Five thousand dollars.

Q. And what mortgage was given, and by whom? A. Twenty-five thousand dollars.

Q. Given by whom; who gave that mortgage? A. Contract for purchase of property made in the name of James Keating, $65,000; paid on contract, $5,000; mortgage given by Keating to New York Savings Bank, now outstanding, $25,000; balance cash, $35,000.

Q. Now, how did you raise the cash to put in that $35,000; did Keating have any interest in the contract? A. Not the slightest.

Q. How came the contract to be made in his name? A. Just for convenience to me, as I asked him to go up and do it; Mr. Hardy was a neighbor of mine in the next block, and I did not want to let Mr. Hardy know that I was buying the property, neither did I want to buy the property in Mrs. Frazier's name, because she had another piece, and I did not want Mr. Hardy to know, as I met him every day; I did not want him to know that I was buying the property, and I thought Mr. Keating, or somebody else, could get it cheaper than I could.

Q. Keating's name as purchaser and taking the deed was merely used as a convenience, that your name might not be disclosed? A. Yes, sir; I told him to buy that property, and gave him the money for it; he had not a dollar in it.

Q. Did Keating have any other interest in it whatever? A. Not the slightest.

Q. Or any of the money coming from him? A. No, sir; not a bit.

Q. You can tell, if it is anybody's business to inquire, where that money came from? A. If the committee wish it; yes, sir.

Mr. IVINS.—I shall ask that question.

Mr. CHOATE.—You can ask him if you wish.

The WITNESS.—If the committee desire me to, I will tell it.

Q. It did not come from Mr. Keating? A. No, sir; positively not.

Q. Now, a single question in regard to the lease of Mount St. Vincent in the park; what was your connection, from first to last, with the lease of the Mount St. Vincent hotel or restaurant in the park? A. I first got that property — got that lease — through the park commissioners, through Mr. Kelly, I never went to see anyone for myself.

Q. Were you at that time in any office? A. Mr. Kelly and Mr. Sauer, who is now dead, both of them; I held no office at the time; when the lease was obtained, it was a year before I held office; over a year.

Q. Before you were appointed fire commissioner? A. Yes, sir; and the lease was obtained before the building was finished, nearly a year; that is my best recollection; I am not positive of that, but I believe so; but I know it was over a year before I held office.

Q. You got it through John Kelly? A. Yes, sir.

Q. For Mr. Conkling? A. I was out of a place then, and he thought I would like to go into business at the time, and I was willing to go in, and Mr. Conkling went in with me with the understanding that he was to equip the place and I was to be part owner, half of everything; and on that understanding, I went in with him; now, after I obtained office, and Mr. McCann was failing in business, and his wife and others had spoken to me about getting him something to do, I said: "I will try and give him this place;" and I told Mr. Conkling that I thought I had someone who would buy him out; he wanted to get out; he said he could not attend to both the business on Twenty-third street and up there, and he was anxious to get out; I told him I thought my brother-in-law would buy him out if he was reasonable in his price; so I said to Mr. Conkling at the time: "If he buys you out, I will turn all of my interest over to him without a dollar;" and so I did.

Q. Did you have any transaction with McCann, personally, about it; A. No, sir; any more than I told him that I would intercede with Conkling to help get the place for him.

Q. But it was in the name of Conkling and transferred over to him by Conkling? A. Yes, sir; he took the lease from the city; I had nothing to do with it at all.

Q. Mr. McCann said that at that time you acknowledged to him that you owed him $3,000 for merchandise bills? A. That is not so.

Q. Neither did you tell him so, nor was it a fact? A. No, sir; it was not so.

Q. It appears by the schedules of his assignment when he failed on Eighth avenue, that the amount of indebtedness from you to him was $94.17; do you know of any other indebtedness at that time? A. Well, I didn't know that I owed him that, sir; that is new to me; I didn't know that I owed him a dollar.

Q. He says that you now owe him $4,000, contracted since he went into Mount St. Vincent? A. Well, I don't owe him a cent to my knowledge, at all.

Q. He says that when you went abroad this last time, you left your finances in such a way that your wife could not get along, and he had to help her by paying her bills from day to day; what do you say to that? A. That I left my wife comfortable when I left, sir, in finances.

Q. You left suitable provisions? A. Yes, sir; suitable provisions.

Q. In the form of money? A. Yes, sir.

Q. In what amount, you may say? A. Three hundred dollars a month.

Q. In the bank? A. In the bank.

Q. What bank? A. Mount Morris Bank.

Q. Three hundred dollars a month? A. Three hundred dollars a month.

Q. You left her in your own house? A. I gave her a bank book in my name in my own house.

Q. Let me ask you if that amount about fairly represents your family expenses? A. Yes, sir; I took half with me, and I left her the other half for the family, and I thought that was about fair.

Mr. CHOATE.— That is all.

Senator MCNAUGHTON.— Mr. Croker, I did not get the date of the contract with Mrs. Frazier for that property.

Mr. CHOATE.— I thought I got that out; October 5, 1887.

Mr. COCKRAN.— You mean the property in which the daughter's money is invested?

Senator MCNAUGHTON.— Yes, sir.

Mr. COCKRAN.— October 5, 1887.

Mr. CHOATE.— I will ask you about when is the birthday of this child?

The WITNESS.— I think it was October fifth.

Cross-examination:

By Mr. IVINS:

Q. You say you have been in this city about forty years, Mr. Croker? A. Yes, sir.

Q. Am I correct in my understanding that you are American born? A. No, sir.

Q. What was your business, Mr. Croker, before you went into public life? A. I was a machinist.

Q. When were you a machinist? A. I was a machinist up to when I was 18 or 19 years old.

Q. That was about what year? A. Well, up to, let me see, well, I think up to 1860.

Q. About 1860? A. Somewhere around there; 1859 or 1860.

Q. How long did you work as a machinist? A. I served my time from 13 years old up, very near 14 years old, up to 19, I think.

Q. Up to 19? A. Yes, sir.

Q. Then you stopped working as a machinist? A. Yes, sir.

Q. Where did you work; in what shop? A. I worked in the Harlem railroad shops.

Q. And about what time did you stop working in those shops? A. Well, I left the Harlem railroad shops and then I went to Brooklyn and worked in the marine shop for some time.

Q. How long were you in the marine shop in Brooklyn? A. About six or seven months.

Q. That was a public office, a public place? A. No, sir.

Q. It was not a public place? A. No, sir.

Q. The navy yard? A. Oh, no.

Q. It was not the navy yard? A. No, sir.

Q. What was your next business after that? A. I do not hardly recollect; I think then I was appointed court officer.

Q. Were you appointed court officer before you opened your liquor store on Second avenue, or after? A. I did not own a liquor store on Second avenue.

Q. Did you not open a liquor store on Second avenue? A. No, sir; I never had a liquor store.

Q. Did you ever have any interest in a liquor store? A. No, sir; not the slightest.

Q. Neither directly nor indirectly? A. Not the slightest.

Q. Did you never take a lease for premises occupied as a liquor store? A. No, sir.

Q. Did you never negotiate a transaction to purchase a liquor store for yourself or any of your friends? A. Not that I can remember; not that I can remember.

Q. Well, what has been your business, then, if you have had any, since you ceased working as a machinist? A. Generally in politics since.

Q. Generally in politics? A. Yes, sir.

Q. Have you had any other business? A. Yes, sir; I have had an ice business at White Plains.

Q. You had an ice business in White Plains? A. Yes, sir.

Q. When was that; how long did it last? A. That was from 1880 to 1882 or 1883.

Q. During which time, however, you were in New York city and active in politics? A. I did not act much then in politics while I was up there; while I was in the ice business.

Q. Did you live in White Plains? A. Yes, sir.

Q. What year was it that you were appointed a court officer? A. Well, I can't recollect what year that was; that is along, I think — I can't recollect the date — I think that was along in 1865 or 1866.

Q. Is it a fact that you were a court officer in Judge Barnard's court? A. Yes, sir.

Q. George Barnard? A. Yes, sir; I think that was in 1865 or 1867; just before I was elected alderman.

Q. And is he the Judge Barnard who was impeached? A. Yes; I was in his court part of the time; the judges used to take turns around.

Q. Who secured your appointment as court officer? A. O'Brien.

Q. Mr. James O'Brien? A. Yes, sir.

Q. Through whom did he secure it; from which of the judges? A. I don't know; I can't recollect.

Q. Do you know whether he asked Judge Barnard to appoint you or not? A. I don't know as to that; I do not recollect.

Q. How long were you such court officer? A. I think I must have been there a year or so, or two years, probably; or a year and a half; I can not recollect the dates.

Q. Were you still a court officer when you ran for alderman? A. I think I ran for court officer when I was an alderman; I am not positive of that; I think so.

Q. Either during the time or immediately after? A. I think — I am not sure; I would not be positive — I think I was an engineer at the time I was elected alderman, on a steamer, when the first new department came into existence.

Q. Was that engine 28? A. Yes, sir; that was when the new department came into existence, and I believe I was elected alderman while I was engineer.

Q. Were you engineer while you were a court officer? A. No, sir.

Q. Your office as engineer on twenty-eight engine, then, came in between the time when you were a court officer and when you were elected alderman? A. I think it did; I am not positive; I think so.

Q. How long were you engineer of No. 28? A. I think probably a year or a year and a half; somewhere around there; or a couple of years; I am not sure.

Q. That brought you down to the year when you ran for the aldermanship, and what year was that? A. Well, that I think was in 1868 or 1867; that is the first time I run; I think in the fall of 1868 — let's see; 1869, I think.

Q. Well, as matter of fact, is it not true that you were elected to fill the vacancy caused by the election of Mr. O'Brien to the shrievalty? A. Yes, sir; he was elected in 1868, I think.

Q. And then you served one full term, one year? A. One year

only; then I ran again in 1869, in the fall; and in 1870, in May, I was legislated out of office by the Tweed charter.

Q. Who secured your nomination the first time to the candidacy to the board of aldermen? A. Who secured it?

Q. Yes? A. Well, I think I secured it myself.

Q. You yourself secured that from the convention? A. I think I did; that is, I think with the help of others, all around; I couldn't say.

Q. Is it not the fact that Sheriff O'Brien suggested you as his successor and so co-operated with you in securing that nomination? A. Well, probably he did; but of course I was strong; probably he did.

Q. Was it not understood at the time that you were Mr. O'Brien's candidate? A. Yes, sir; I think it was.

Q. Were you not during that time in active political co-operation with Mr. O'Brien? A. At that time; yes, sir.

Q. Then who were fellow members of yours, as nearly as you can recollect, in that board of aldermen during your first term; tell us the names of some of them? A. Well, I couldn't recollect.

Q. You say you were only in office five months during the second term? A. Yes, sir.

Q. Was the personale of the board very materially changed during those two years; that is, one year as compared with the other? A. I think it was; I think the second board, the '70 board, was entirely against Mr. Tweed; but I think the '69 board he had with him, and I think — he sent for us all that year.

Q. That is what year, 1869 or 1870? A. Eighteen hundred and seventy; that is when the charter was passed; he had sent for us all; he sent for us all one after another to know how we were going to go; if we were going to support his nomination, and we told him no; well, he said: "Then you will go out of office;" well, we said: "We will go out."

Q. Had you made any arrangements in regard to not supporting his nominations prior to that time? A. Yes; we had made part of the arrangements with Mr. Barlow, Samuel Barlow; and Mr. Tilden was into it, and Mr. George Purcer was into it, to stand together; the young Democracy against Mr. Tweed.

Q. Did you ever have any talk with Mr. Barlow about it? A. Well, I don't recollect, but Mr. Barlow, I understood, had some talk with some Senators and aldermen about it.

Q. Whom did you understand that from? A. I understood that, I think, from Mr. O'Brien.

Q. Do you now believe Mr. O'Brien is a man whose statements are worthy of credence?

Mr. CHOATE.— Well, now what is the sense of that?

Mr. IVINS.— I want to find out whether he then believed Mr. O'Brien, and thinks at this time that Mr. O'Brien's statements are worthy of credence. This gentleman is now talking of a man who is dead; Mr. Barlow is not here.

Mr. CHOATE.— That is taking a pretty broad range, and is very ancient history.

The WITNESS.— Well, I will tell you, Mr. Ivins; at that time Mr. O'Brien and I were friends, and I knew very little about politics, but after I found out his methods I made my mind up that I did not believe in his methods, and I stopped.

Q. Well, would you believe Mr. O'Brien to-day if he told you that Mr. Barlow had talked with him about that? A. Well, I believe that Mr. O'Brien's hate is so desperate toward me that he would say anything.

Q. That is not the point; I ask you if Mr. O'Brien should come to you to-day and say to you that Mr. Barlow had gone in with Mr. Tilden and others and certain Senators for the purpose of holding that board of aldermen, whether you would believe Mr. O'Brien's statement? A. Well, I wouldn't.

Q. You wouldn't? A. I wouldn't believe him; no.

Q. Now, did you ever talk with Mr. Tilden? A. No, sir; about that time?

Q. Did you ever talk with Mr. Tilden about any political matter? A. No, sir.

Q. Then whom did you talk with about that arrangement for the purpose of preventing the confirmation of Mr. Tweed's nominees?

Mr. CHOATE.— Before that question is answered I would like to make a suggestion to the committee. The committee has understood the circumstances under which Mr. Croker has come here, entirely ready to be examined upon anything within reasonable limits of this committee's authority or the resolutions of the Legislature appointing them. I do not think that he is able to stand an indefinite examination, such as is here indicated, of the entire history of the politics of the city of New York for the last twenty years; I mean as to that, the matter of time and personal strength. So I hope the committee, before encouraging such a very remote line of examination as this, will refer to their letter of instructions and consider among themselves whether this is reasonably within it.

Mr. IVINS.— Mr. Chairman and gentlemen of the committee, the resolutions of instructions is to inquire into the management of municipal affairs and methods of this city. There is no limitation

whatever in point of time, but the question as raised here does not fall under the title of relevancy to the particular investigation necessarily. A witness has been produced here who is under cross-examination. Any question which may tend to show the credibility of this witness, or prove his credibility,. any question which may tend to show how that witness himself regards official position, and what while in office he was willing to do and actually did do, whether that were twenty years ago, or forty years ago, or one year ago, is entirely material. I design to show by this witness that he deliberately made an oath at that time, being a member of the board of aldermen, which was in direct and open violation of his oath to support the Constitution of the United States, of the State of New York, and to obey and perform and carry out the laws of the State of New York. And for the purpose of showing that now, I ask Mr. Croker if that is his signature? [Handing paper to witness.]

Mr. CHOATE.— Now you withdraw the question that you put, do you?

Mr. IVINS.— I will come back to it in a minute.

Mr. COCKRAN.— If there is any effort to show that Mr. Croker ever violated any law, we will withdraw the objection.

The WITNESS.— I will answer that if you choose. That is my signature, I think.

Mr. COCKRAN.— Let me see that paper, will you, Mr. Ivins?

[Mr. Ivins hands the paper to Mr. Cockran.]

The WITNESS.— Will the committee let me explain?

Senator HENDRICKS.— Certainly.

Mr. COCKRAN.— What is torn out of this?

Mr. IVINS.— That I am going to try to prove. That is the document as it came into my possession, and I think I can prove as to what is altered and torn out by Mr. Croker himself.

Mr. COCKRAN.— Go right ahead, then.

Mr. Ivins read the paper as follows: "The undersigned aldermen of the city and county of New York, being duly and severally sworn, do depose and say that they will not in their official capacity as such aldermen vote for a confirmation of the appointment of any officer created under the provisions of the city charter or any laws of this State, or adopt any ordinance or resolution affecting the powers, duties and interests of any municipial department of said city or county government without consulting with Messrs. Henry H. Genet, Thomas J. Creamer, Michael Norton (another whose name has been erased), George W. McLean and George H. Purcer, and first obtaining the consent of said last-named gentlemen to any such contemplated act. Sworn before me this 20th day of March, 1870, Joel O. Stevens,

commissioner of deeds." Signed so far as the signatures are now legible. "James Barker, Anthony Miller, Peter Calkin, M. Seger, James McKeever, John Moore, Richard Croker and George W. McCreiger." Now Mr. Croker, do you know whose name was written in there, who the sixth man was? A. No, sir; I do not.

Q. Was it Mr. Charles Low? A. I don't know; whoever held that must know that, whenever you get it.

Q. Do you know who held this paper? A. No, sir; I do not.

Q. Do you know in whose custody this paper was placed for safe-keeping? A. No, sir.

Q. Do you know what became of this paper after you signed it? A. No, sir; I believe now — I will say to the best of my knowledge, that that was held by Mr. O'Brien, and it was through him we signed it; will you permit me to make a statement about that?

Q. Certainly, tell the whole story.

Mr. COCHRAN.— That is right, tell the whole story.

A. At that time Mr. Tweed then had control as he thought of the board, and there was to be a commissioner of public works made and confirmed by the board, and everything that was done in New York was done by the board of aldermen; the young Democracy got control of the board of aldermen against Mr. Tweed; Mr. Tweed had the Senate as he thought; but when the Senators found out and could be assured by any signature from us that Mr. Tweed could not control the board of aldermen, they were willing to come to us and go away from Tweed. Mr. Genet and Mr. Creamer and others said: "If you can show me, Mr. O'Brien," or whoever it was that went to them, I don't know who was the man, "if you can show me where the board of aldermen in New York is against Mr. Tweed, we will go with you," and I think we signed this paper against Mr. Tweed to show that the board of aldermen was not with him.

Q. Would go with you for what? A. I think we were legislated out of office because we did that; I was put out of office because I did that.

Q. You immediately got back into office, did you not? A. No, sir; not for a good while.

Q. How long was it before you secured an appointment under Mr. Richard Connelly in the comptroller's office? A. Some time after.

Q. How long after? A. I can't tell you the exact date.

Q. Was it not within a few months? A. I don't know the exact dates.

Q. Didn't Mr. Connelly appoint you within a few months to a position in the comptroller's office? A. Yes, sir; I don't know how long.

Q. Mr. Connelly at that time was a part of the Tweed ring? A. He was; not at that time.

Q. In the immediate friendship of Tweed? A. He was in the friendship of Mr. Tilden, too.

Q. Did Mr. Tilden ask Mr. Connelly to appoint you to that office? A. I don't know who did.

Q. You don't know who did? A. There were several influences brought to bear at the time; I don't know the direct person.

Q. Then your great hostility to Mr. Tweed did not continue long after that, did it? A. Yes, sir; Mr. Connelly and Mr. Tweed were not pulling together at all at that time; there was a break between them.

Q. Mr. Genet, who was opposed to Mr. Tweed in this way, became the Harlem court-house commissioner, did he not, under the Tammany régime? A. I don't know; but when Mr. Genet saw that the board of aldermen was not held by Mr. Tweed and when Mr. Creamer saw it was not held by Mr. Tweed they immediately went with us; and they wanted proof to show that the board was not with Tweed in these confirmations.

Q. So as to give them proof you made this oath? A. We signed this article to show them that we were not with Mr. Tweed.

By Mr. Cockran:

Q. They were Senators at that time? A. They were Senators at that time; we wanted to get the Senators at that time, to change this government.

By Mr. Ivins:

Q. Mr. Genet, Mr. Creamer and Mr. Norton were Senators? A. Yes, sir.

Q. And Mr. McLean was commissioner of public works? A. I never spoke to Genet or any of those people at that time at all.

Q. Whom did you speak to? A. It was all represented to us that if we would do this it would be the means of stopping Tweed in Albany.

Q. Who represented it? A. I think Mr. O'Brien.

Q. So on his representation and without any further discussion, you signed this document? A. Yes, sir; to the best of my belief; I think so.

Q. Did you realize at the time you were signing that that you were taking an oath? A. I didn't know as it was any oath; I thought it was only a pledge to show we were not with him.

Q. You swore to it before Joel O. Stevens? A. Well, it was read over to me, what we were to do.

Q. You had already taken the usual oath of office, had you not? A. I know we agreed amongst ourselves to stand against Mr. Tweed at that time, and they wanted proof in Albany that we were in that condition, and by doing this it was proof.

Q. You had already taken the usual oath of office, had you not? A. Yes, sir.

Q. Now just explain to this committee if you can how you reconcile that agreement and that oath, with your oath of office?

Mr. COCKRAN.—Now I object. I do not think that explanation is necessary to any honest man here. I don't think we ought to go into polemics here. The affidavit is there; if there is anything inconsistent with the notion of duty the committee will make its report upon it. It is not for Mr. Croker to discuss that.

Senator HENDRICKS [to the witness].—If you wish to make a statement you can make it.

The WITNESS.—I did not think I was violating any oath at all when I signed that. I did not suppose I was violating any oath at all.

Senator HENDRICKS.—The committee will draw their own inferences.

By Mr. IVINS:

Q. Then, Mr. Croker, if you had made that, if there had been no Mr. Tweed in existence, and you made that generally with regard to the entire situation, and there had been no fight against Mr. Tweed, do you consider that it would have been just as much justified?

Mr. CHOATE.—I object to that. Here is a man who held a position of alderman here when Tweed was trying to destroy actually the city, to devour its substance, and they made a combination that under no circumstances would they go with him; all would stand together against him. Now, is there to be an inquiry into all sorts of moral questions, as to the propriety of that act?

Mr. IVINS.—Now, Mr. Chairman, here is a man elected to serve a term in the board of aldermen of this city. It is immaterial whether he be elected to serve as an alderman, as a Senator, as a mayor or as a governor. He is to take his oath to do certain things. He was elected and no one else was elected for him. And he takes his oath, after having received his certificate of election, that he will do those things, and the law knows no intermediary between that man and itself. And when that man says: I surrender the charge which has been placed in my hands by the people and imposed upon me by the law; when that man says: I turn that over to someone else and say he shall be the keeper of my conscience; he shall direct my official hand; he shall guide my official mind; him will I obey and no other,

law or no law; it is entirely immaterial whether there is a conspiracy against the public which led him to believe that was proper or whether there was not. The law knows him and no one else. Under these circumstances unless that person wants to say that he was unprepared, standing in the presence of his own conscience, to do the things which the law asked him to do without any further control or sanction, be it what it might. That is not a question of exalted ethics, it is a mere question of political honesty, and good political common sense. And if it so happens that it can't be proved, and this committee were to take the proofs, and I will offer it; that it was combine against combine, and that Harry Genet was no less the enemy of this city than Mr. Tweed was, and that Michael Norton was no less the enemy of this city than Mr. Tweed was and that Thomas Creamer was no less the enemy of this city than Mr. Tweed was, and that it was a mere question as to which of two crowds should eat up the city, and that Mr. Croker in defiance and violation of his oath of office entered into a counter oath to go with one of these devouring crowds, then I do not believe that this city can say that it is a question of exalted ethics. And I am astounded that Mr. Choate, the leader of our bar, should so come here and expound ethical questions. What became of these men? What is the history of the matter? Mr. Harry Genet was immediately taken care of. The lines had been drawn; the battle had been fought. Mr. Croker and his friends, his co-conspirators under this arrangement, had been defeated. They were legislated out of office, and having been defeated, they surrendered; and Mr. Genet became at the dictation of Mr. Tweed and his friends, commissioner of the Harlem court-house. Mr. Michael Norton became one of the intimate board of commissioners of this court-house in which we stand. Mr. ——— Barker became a commissioner of street opening, and Mr. Thomas J. Creamer became president of the board of taxation, and this gentleman went into the comptroller's office under Mr. Connelly, and so it was along the entire line. Now it will not do to say that this is merely a question of fine and superfine political ethics, in view of a state of facts like that; and I think this committee is entitled to know how this man or any other man, having once taken an oath of office, can reconcile that with this last oath; and I think inasmuch as this man has been a public office holder of this city for years, and practically nothing else, and inasmuch as this man now guides the destiny of that institution which controls the future of New York, and inasmuch as he has been produced here as a witness so that his oath stands counter to the oaths of other witnesses, that this committee is entitled to find out through this identical circum-

stance what value he puts upon an oath and how he interprets it. And if that be not pertinent, and if they be not exactly to the point and wholly within the rules of the cross-examination, then I am utterly at a loss to know what might be, because it is very rarely in testing the credibility of a witness that you are able to show that the witness has actually taken counter oaths destructive of each other.

Mr. CHOATE.—Stuff and nonsense.

Senator MCNAUGHTON.—Speaking for myself and the committee, I have this to say: The facts in regard to the court-house, the infamy of Tweed, have passed into history. I am sure as one of the committee I do not care to review that part of it. I think we have nothing to do with it. Mr. Croker up to this time has stated that he was elected alderman, had taken the oath of office and then subscribed this paper and he has given his reason. In other words, he thought the end justified the means. As one of the committee I do not think we should pursue that any further. The committee can draw its own inference, having the facts before it, of the election, the oath of office, and subscribing this paper.

Senator HENDRICKS.—The stenographer may read over the question.

[The question was read by the stenographer as follows: Q. Then, Mr. Croker, if you had made that, if there had been no Mr. Tweed in existence, and you made that generally with regard to the entire situation, and there had been no fight against Mr. Tweed, do you consider that it would have been just as much justified?]

Mr. CHOATE.—What could be more remote from your inquiry than that?

The WITNESS.—There would have been no reason for doing it. I am willing to answer that.

Senator HENDRICKS.—Mr. Croker says he is ready to answer the question.

Mr. IVINS.—He has answered it. He says there would be no reason for doing it.

Q. Have you ever known any like agreement to have been made by the board of aldermen since then? A. No, sir.

Q. Have you ever known any like agreement being made by any like office holders in this city since then? A. No, sir.

Q. Have you at any time ever exacted from any person, or suggested to any person, or asked of any person who has been elected or appointed to office, to agree either in writing or orally not to do anything without your consent or approval? A. No, sir.

Q. Are you perfectly certain of not? A. Yes, sir; not to my knowledge.

Q. Not to your knowledge, or you mean to say not to your recollection? A. I don't recollect it ever; what is the question?

Question read by the stenographer as follows: "Have you at any time ever exacted from any person, or suggested to any person, or asked of any person who has been elected or appointed to office, to agree either in writing or orally not to do anything without your consent or approval?" A. No, sir; not to my recollection; I can't remember it.

Q. Was not Mr. Florence Scannel a member of that board of aldermen? A. Yes, sir; I think he was.

Q. He was a brother of John Scannel, was he not? A. Yes, sir; half brother.

Q. Was he not involved at that time or was he not subsequently involved with Mr. John Scannel in some famous trials here?

Mr. Choate.— I submit that this committee is not sent here for the purpose of inquiring into Mr. Scannel's affairs, twenty years ago.

A. I have known him, but not very well.

Mr. Ivins.— I am not going to look into Mr. Scannel's affairs of twenty years ago, but I am going to show this, that Mr. John Scannel was associated very closely with Mr. Croker in those famous Tweed days, and I am going to show before I get done that Mr. John Scannel is to-day Mr. Croker's intimate friend, and one of the favorite money raisers of Tammany Hall.

Mr. Choate.— Suppose he is.

Mr. Ivins.— I am going to show that Mr. James Barker who was in that board of aldermen, has since been Mr. Croker's friend; has been with Mr. Croker in Tammany Hall, and was until a few days ago, when he was indicted for a brutal assault. And I am going to show that Mr. Barker has been a contributor and money raiser. Later I am going to show what has been done with some of those contributions and a part of that money. And I purpose consequently in asking these questions to direct attention to the fact that to-day we have in control of the government of New York city the fag ends and tailing of the Tammany Hall of Tweed's day.

Mr. Choate.— Now, let us come down to modern times. I do not believe Mr. Ivins is going to prove these things but I would like to ask if the committee believes that the object of its appointment was to review the history of those days. It is a delightful subject of inquiry. It is pleasant to one's nostrils in a day and atmosphere like this, but is it what the committee is here for?

The Witness.— I will answer the question. I will answer it in full.

Senator Hendricks.— The witness says he will answer. The stenographer may read the question.

Question read by stenographer as follows: "Was he not involved at that time or was he not subsequently involved with Mr. John Scannel in some famous trials here?" A. In trials at that time?

Q. Later on; John Scannel was indicted for murder, was he not? A. I believe he was; yes, sir.

Q. Was not this Florence Scannel, his brother? A. His half brother.

Q. Was he connected with him in the charges? A. He was dead then I think.

Q. Mr. John Scannel is now a member of Tammany Hall? A. Florence was dead at that time.

Q. Was he dead at that time? A. Yes, sir; let me say this to you now, Mr. Ivins, that Mr. Scannel was fighting against Mr. Tweed at at that time; Mr. Florence Scannel was running against Mr. Tweed's candidate for alderman, and as I understand it the row occurred on account of the two candidates; Mr. Florence Scannel was in opposition to Tweed; Mr. Nesbitt was Florence Scannel's opponent, and was Mr. Tweed's candidate; so he was against Tweed at the time; he was not with Tweed; that is as far as I know; I know that to be so.

Q. John Scannel is now in Tammany Hall? A. Yes, sir.

Q. What district is he the leader of? A. Of the Eleventh district.

Q. James Barker was in that board? A. Yes, sir.

Q. He was until recently a member of Tammany Hall? A. Yes, sir.

Q. It is the Mr. Barker who has recently been indicted? A. Yes, sir.

Q. What district was he the leader of until he retired? A. I think it was the Seventh or the Ninth.

Mr. COCKRAN.— The Thirteenth.

The WITNESS.— The Thirteenth.

By Mr. IVINS:

Q. Now is it not the fact that this document was placed in the custody or in escrow in the hands of Jacob Long, Florence Scannel and Charles Low? A. No, sir; Florence Scannel never served in the board of aldermen; he was never in the board.

Q. Did you hear during your term in the board of aldermen of Mr. Tweed's interest in Broadway or in the wooden pavements of the city? A. No, sir; not that I can remember.

Q. Did you not vote for all of those wooden pavement resolutions? A. I can not remember now; I voted for some; I can not remember; I can not recall those things; probably I did.

Q. Probably you did? A. I might and might not.

Q. You are not prepared to say that you did not? A. I don't know.

Q. Then you got the place in the comptroller's office? A. Yes, sir.

Q. How long did you hold that place under Mr. Connelly? A. Well, I don't know exactly; I think probably a year or a year and a half; I don't know; it might be two years; I couldn't tell now without looking; I don't remember; that is a good while ago.

Q. Were you in the comptroller's office when the crash came, Tweed's downfall? A. Yes, sir; I think I was.

Q. How long did you remain in the comptroller's office after Mr. Green came in? A. I don't remember; I think I was elected out of there; I don't know.

Q. Were you still in the office when you were elected? A. I am not sure about that; I am not positive.

Q. How many times did you run for the coronership? A. Twice — three times.

Q. You were elected how many times? A. Twice.

Q. What was the first year you were elected? A. Eighteen hundred and seventy-three.

Q. Were your two elections in succession? A. Yes, sir; 1873 and 1876 I was elected.

Q. What did I understand you to say the length of the term was? A. Three years each.

Q. That would bring you to 1879 or 1880? A. That left me in office until 1880.

Q. When did you run for alderman again? A. Eighteen hundred and eighty-three.

Q. Had you, prior to running for alderman in 1883, made any application for appointment to public office in New York city? A. Yes, sir.

Q. What office had you applied for? A. I think it was police judge.

Q. Had you been told that you must run for an elective office before you could be appointed? A. Yes, sir.

Q. Who told you that? A. Mr. Kelly.

Q. You had been an applicant for a police justiceship at the hands of Mr. Edson; had you not? A. Yes, sir.

Q. Thereupon and upon Mr. Kelly's suggestion that you run for an office, you ran for this office for the board of aldermen? A. Yes, sir.

Q. Having been elected, did you take the office? A. No, sir; I took fire commissioner.

Q. You did not take fire commissioner at once; did you? A. Yes, sir; after I was elected; I never served in the board.

Q. When were you appointed fire commissioner; some time in the following year; was it not? A. Yes, sir.

Mr. COCKRAN.—Seven days after the election.

By Mr. IVINS:

Q. Seven days after the election; then you ran for a public office, expended the public moneys, and invited the suffrages of your fellow-citizens for an office that you never intended to fill, and simply as the means of getting an appointment to another office; is that the fact? A. I will tell you; Mr. Edson did not want to appoint me to that office; he told Mr. Kelly he didn't want to appoint me, there was so many charges made, but he said that the people — as I understood it from Mr. Kelly — "if the people of his own district indorse him and elect him I will be prepared to do anything I can for him;" and on that I run.

Q. And it was on that you asked the suffrages of the people and expended the public money for that election, you not intending to serve? A. I would have served if he had not appointed me.

Q. Did you ever tell the people that that was not the purpose for which you were running? A. I think it was the general opinion of most everybody that I would be appointed to something better.

Q. Was that publicly known? A. I did not make any talk about it around.

Q. You did not talk about it around? A. Not particularly; I did not tell the people, but I think it was generally understood that way.

Q. You were then appointed fire commissioner seven days after the election? A. Yes, sir; I was appointed fire commissioner November 15, 1883.

Q. That term of office would have carried you through to what time? A. I was appointed for six years, I think.

Q. Before the expiration of that term you were reappointed; were you not? A. Yes, sir.

Q. To fill another vacancy in the board? A. Yes, sir.

Q. Known as the long term? A. Yes, sir.

Q. That appointment was by Mr. Hewitt? A. Yes, sir.

Q. And then in April, 1889, you became chamberlain? A. Yes, sir.

Q. How long before you became chamberlain did you know that you were going to be chamberlain? A. I did not know it at all.

Q. You did not know it at all? A. Yes, sir.

Q. You are perfectly certain about that? A. Yes, sir; positive.

Q. Had anyone told you? A. No, sir.

Q. That he thought you were going to be appointed? A. Well, it

was hinted around; I was not sure of it; I was in Troy at the time I was appointed, and I picked up the papers and saw I was appointed city chamberlain.

Q. Did you have any talk with Mr. Grant about the chamberlainship during the election of that year? A. No, sir; I don't recollect that I did; I didn't want to take it; I didn't want the office.

Q. Did you have any talk with any of your fellow managers or leaders in Tammany Hall, during the fall of 1888, in regard to the office of chamberlain and your taking it? A. I don't remember talking about it.

Q. Did you have any conversation with Mr. Gilroy in December, 1888, with regard to your taking the office of chamberlain? Well, I may; I may have asked him what he thought about it, or something of that kind; I don't recollect, but I know I didn't want it; I didn't feel at any time that I cared about being city chamberlain, because my health was bad all the time.

Q. Do I understand you to say now, definitely and distinctly, that you did not at any time prior to your appointment know or understand that that office was for you? A. Well, no; I was not sure of that; no, sir; I did not seek it at all; I did not seek the office at all.

Q. Now, Mr. Croker, let's go back to the year 1884; there has been considerable testimony here, mainly by Mayor Grant and Mr. Cockran, Mr. Cockran's testimony being in the form principally of speeches, with regard to what occurred in the Tammany Hall organization relative to the Broadway railway franchise, relative to Mr. Grant's nomination; now, first, let me ask you if you ever had any talks with Mr. Grant in regard to his vote concerning the resolutions giving the Broadway railroad franchise to Mr. Sharp and his company, at any time either before or after? A. I don't believe I did; no, sir.

Q. Did you ever advise Mr. Grant not to vote for that resolution? A. No.

Q. Did you never ask him how he was going to vote on that resolution? A. No; I don't think I did; I heard, you know, he was standing up against the Broadway railroad at the time, and I rather encouraged him in every way I could.

Q. Tell us how you encouraged him? A. Well, I felt that I would support him in Tammany Hall any way.

Q. Well, did you tell him so? A. Well, I don't remember really; I could not recall that.

Q. It would not have encouraged him much if you had not told him so? A. Well, I couldn't recall that, but I admired him for the

stand he took there, and I thought he was a young man that I could safely, by the way he acted in that matter — that is all.

Q. Have you and Mr. Grant ever talked about his vote in that matter since then? A. Well, we may have at different times talked about it; I can't remember the different conversations.

Q. Has Mr. Grant ever said to you directly or indirectly in substance that he was very thankful to you for your suggestions and guidance in the matter? A. No, sir.

Q. Have you ever heard of Mr. Grant ever having made such statement to any one? A. No, sir; I never made such statements or he to me about it; I admired him for the stand he took, himself, in the matter.

Q. Now, tell us what occurred at the meeting of the Tammany Hall committee of twenty-four at the time it was determined that the aldermen who had voted for the Broadway franchises should not be renominated? A. What occurred in the meeting?

Q. Yes? A. Opposed to letting any of them run on the ticket with Grant; I was very strongly opposed to that.

Q. As matter of fact you did not let any of them run? A. If I could stop it; I did all I could to stop it because I said it would not be consistent for Grant to run with any of the aldermen who had voted for the franchise; I advised Mr. Kelly that, that it would not look well; I advised that none of them should be renominated.

Q. Did you know afterward that Mr. Kirk was given a half interest in the auctioneer business of the sheriff's office by Mr. Grant? A. Well, no; I don't remember.

Q. You did not know that? A. I don't remember that I did.

Q. I understood you to say in your direct examination that during that fall, Mr. Kelly being ill and confined to his room, but sitting in his chair, you saw him daily? A. Yes, sir; most every day.

Q. And you were doing about what Mr. Kelly wanted when you understood to secure the nomination of Mr. Grant for mayor? A. Well, there were three or four candidates talked of at that time.

Q. Tell us about that? A. I was using my influence, all I could for Mr. Grant.

Q. Mr. Grant was not Mr. Kelly's candidate was he? A. He was at the latter end; yes, sir.

Q. Mr. Grant became Mr. Kelly's candidate, did he not, after Mr. Kelly found that you had got a majority of the committee? A. Well, I don't know that; I wouldn't want to say that; I wouldn't want to say a thing against Mr. Kelly; he is dead now and gone; I did what I could for Mr. Grant at the time.

Q. I am asking you about yourself; did Mr. Kelly come around and support Mr. Grant's nomination by the organization until after you had virtually secured Mr. Grant's nomination through getting the assent of a majority of the leaders? A. I could not get the consent of the majority of the leaders against Mr. Kelly at that time, if my life depended on it, but I had the good will of them all; but if Mr. Kelly got up in that convention or hall, or wherever it might be and said Mr. Grant should not be nominated, he would not be nominated.

Q. Was Mr. Kelly a very sick man during the time of that convention of 1884? A. No, sir; he was around.

Q. Did he attend that convention? A. I think he did; yes, sir.

Q. Mr. Grant having been nominated for mayor and having been defeated, the next important political issue in the city was the securing of control of the commissionership of public works, was it not, and the corporation counsel's office? A. Yes, sir.

Q. Do you remember how many Tammany Hall men there were in the board of aldermen that year? A. I don't remember; no, sir; I don't remember how many was in that year.

Senator Hendricks.— Mr. Ivins, the committee thinks they would like to adjourn for lunch; I was going to ask Mr. Croker if it would be convenient for him to be here this afternoon.

The Witness.— Yes, sir.

Mr. Choate.— I would like to say on behalf of Mr. Croker that it is very desirable if possible that his examination be completed to-day.

Senator Hendricks.— Mr. Croker says he would prefer to be here at half-past 2 and go on at that time.

Mr. Cockran.— May I ask counsel on the other side if it is his intention to close to-day?

Mr. Ivins.— If possible; I will close to-day if I can.

The committee then took a recess until half-past 2.

Afternoon Session.

Richard Croker on the stand.

By Mr. Ivins:

Q. I would now like to take up one of the matters with regard to which you testified this morning, that is, Mr. Grant's gifts to your daughter; can you tell us the precise date of Mr. Grant's gift of $5,000? A. I could not tell the exact date.

Q. What year was it in? A. I think it was in 1886; I am not sure.

Q. What time of the year? A. I think it was in the fall of the year.

Q. Was that an occurrence of sufficient infrequency as to make any mark on your memory? A. What is that again?

Q. Was that an occurrence of such infrequency as to make a mark on your memory? A. You mean of the time he gave it?

Q. Yes? A. Yes, sir; I think it was in the fall of the year.

Q. Was it not on the occasion of your daughter's birthday? A. I think it was; I think it was meant for that; I think it was around that time.

Q. Are you certain about that? A. I think so; I am not positive, but I think so; I think it came as a birthday present.

Q. Mr. Grant testified, as I remember his testimony, to the effect that it might have been on the occasion of the birthday, but he was not certain; are you any more certain than he was? A. No, I don't recollect; I think it was though; I am not sure.

Q. When was the second gift? A. I think the following year about the same time.

Q. About the same time of year? A. I think so.

Q. So that a whole year elapsed between the two gifts? A. I think so.

Q. Will you explain exactly what occurred in detail, as far as your memory will enable you to do when Mr. Grant gave the first sum of money? A. Made mention about it?

Q. Yes; all the circumstances. A. All I can remember is that he came into the parlor, and we were all there, Mrs. Croker and myself and all the children were there together in the parlor, and he gave Flossie this envelope.

Q. How old was the child at the time of this gift? A. She must have been about two years old.

Q. Could she walk at that time? A. Yes, sir.

Q. Had she begun to prattle at that time? A. A little bit; yes.

Q. Where was the child at the time Mr. Grant gave her the money? A. Right in the parlor,

Q. Was she standing beside him, or between his knees, or alongside of him? A. He was playing with her; he always came there and played with her and talked with her — paid her a great deal of attention.

Q. Have you any recollection as to what the occasion of his visiting you at that time was? A. Not particularly; no, sir.

Q. Did he tell you before he came there that he was coming to make a gift to the child? A. No, sir.

Q. It was entirely unexpected to you? A. Entirely; yes, sir.

Q. When it was made did it create any surprise on your part? A. Well, yes; I thought it was very generous thing for him to do.

Q. Did it create sufficient surprise to lead you to talk with him about it? A. Well, I don't remember hardly what occurred after that; what was said about it; I can not call to memory what I said to him afterwards about it.

Q. How long did he stay there after he handed this money to the child? A. I don't know; two or three hours — all the afternoon.

Q. Can you remember any of the subjects of conversation between you and Mr. Grant and between Mr. Grant and your wife and yourself and the children? A. No; I don't remember.

Q. Did he at the time he made the gift say anything to you about its being a provision for the child's future? A. No; he didn't say anything about her future; we considered that between ourselves.

Q. He did not tell you then that it was a provision for her future? A. I don't recollect; he may and may not; I can not recall to my recollection.

Q. Did he tell you at any time that he intended to provide for the future of that child? A. I don't remember.

Q. Do you know, either directly or by hearsay, as to whether he ever told the mother that he intended to provide for the future of the child? A. I don't know.

Q. Did he tell you at that time that he intended to make still further provisions for the future of the child? A. No, sir; not that I can remember; I know he was very fond of the child and always thought a great deal of her.

Q. Did you have any reason to believe because of anything that he said that you might expect still further gifts to the child? A. No, sir.

Q. Then the fact of the second gift was quite as much of a surprise as the fact of the first, was it not? A. Yes; I thought it was very generous on his part; I didn't seek it at all; I never expected anything from Mr. Grant or anybody else.

Q. This was money in an envelope, was it? A. Yes, sir.

Q. How much money? A. Five thousand dollars each time.

Q. How do you know that? A. I saw it.

Q. Did you count it? A. Mrs. Croker and I saw it.

Q. Did you count it? A. I think so, yes, sir.

Q. What was the form of the bills, do you remember? A. I don't remember whether they were in five-hundred-dollar bills, or one-hundred dollar bills, or what they were; I can not recollect that now.

Q. They may have been one-hundred-dollar bills, or thousand-dollar bills, or any sum? A. I don't remember; I am not sure about that.

Q. And the child handed that envelope with the money to the mother? A. The mother took it from the child.

Q. And I understood you to say that the mother put it in the safe? A. Yes, sir.

Q. How long had you had that safe in the house at that time? A. I don't remember how long it was there.

Q. From whom did you buy that safe? A. I think from the Marvin Safe Company.

Q. Did you buy it from the Marvin Safe Company? A. No; I didn't buy it personally; it was bought for me.

Q. Who bought it for you? A. That was bought for me by Mr. Flack.

Q. Do you remember when Mr. Flack bought the safe for you? A. I don't remember dates; he bought it for me because he was getting a safe, he said, and he could get it cheaper than I could, and I paid him for it what he got the safe for.

Q. Was that before or after Mr. Flack's election to the county clerkship? A. I don't remember; I think it was just about the time he was elected; I am not sure when he was elected county clerk.

Q. Do you remember when he was elected county clerk? A. No.

Mr. COCKRAN.— Eighteen hundred and eighty-five.

Q. Mr. Flack was elected county clerk at the same election at which Mr. Grant was elected sheriff, was he not? A. I think he was.

Q. Now, can you remember about what time of year, whether the fall of 1885 or the fall of 1886, Mr. Flack purchased that safe for your account? A. No; I don't recollect.

Q. Was it in the year 1885? A. I forget years; it was somewhere around there, or while he was county clerk.

Q. Was it in the year 1886? A. I could not tell you; I didn't keep any account.

Q. He was county clerk in 1887, also? A. Yes; I think he was.

Q. Wasn't it in 1887? A. I could recall the year that he came in by looking for it; looking it up.

Q. How much did you pay Mr. Flack for that safe? A. I think it was seventy odd dollars.

Q. When did you pay Mr. Flack for that safe? A. Right after he purchased it.

Q. How did you pay for it — in cash or by a check? A. In cash.

Q. Do you keep books? A. No, sir.

Q. Have you any entry anywhere of that payment to Mr. Flack? A.

No, sir; I just paid him cash; he had so much percentage off; he got the safe so much cheaper than I could get it; I wanted to buy a safe and he bought it for me, and I paid him.

Q. Could you describe that safe as to its size, so that we could identify it on Marvin's books? A. It is a little safe about as high as that and about as wide as that. [Witness indicating.]

Q. Do you know whether Mr. Flack bought any other safe in the same invoice? A. I don't know.

Q. You can not tell, then, whether this was simply one safe that Mr. Flack bought among others, or a safe bought solely at that time? A. I don't know.

Q. But you are positive, are you, that you got that safe in 1885 or early in 1886? A. I think somewhere around there; while he was county clerk.

Q. He was county clerk long after that time, wasn't he? A. Yes, sir.

Q. Is it possible that that safe might have come into your house later than 1886? A. He was county clerk in 1889 — from 1885 to 1888.

Q. Is it possible that that safe might have come into your house after the year 1886? A. Yes; it might.

Q. If that safe came into your house subsequent to 1886, and if it was possible that that safe could have come into your house subsequent to 1886, it was not possible for that money to have been put in the safe, was it? A. No, sir; not in that safe.

Q. Did you have any other safe? A. Yes; I had a safe in the fire department.

Q. I mean a safe in your house? A. No; Mrs. Croker had safes — little safes in drawers and in trunks.

Q. Describe the particular safe in which this money was put? A. She took charge of that money.

Q. Did you see her put it away? A. No; that was a gift to my daughter, and she took charge of it.

Q. You just testified, I understood, on your direct examination, that the money was put in the safe? A. Well, I imagined she put it there; probably she put it there; I don't know; she took it in charge, anyway.

Q. Did she tell you where she put it? A. I didn't ask her where she put it.

Q. You say you had a safe; what safe did you have in the house at that time other than the safe which Mr. Flack bought for you? A. I had no other safe but trunks and drawers in my house.

Q. Would you describe a trunk or a drawer as a safe? A. Well, some people would and some wouldn't.

Q. Would you? A. No; I would not.

Q. When you say you imagined she put it in the safe, you mean, then, that you imagined she put it in that safe? A. Mrs. Croker rather keep it in a trunk than she would in a bank, because so many banks have bursted.

Q. And you think, then, that your wife's judgment was that it was safer to have it in a trunk than in a bank? A. She made her mind up that she would take charge of it, and I agreed with her.

Q. Tell us what occurred between you and her with regard to taking charge of that money after Mr. Grant left the house on that occasion? A. She took it in her charge.

Q. Did I understand you to say just now that she made up her mind to take charge of it, or that you and she together agreed that she should take charge of it? A. She took charge of it with my consent.

Q. How did you express that consent; what was the conversation? A. I cannot tell the exact conversation; she said: "Now, this is a gift to Flossie and we wil invest it for the best interest of the child, and I will take charge of it;" that was the end of it; I didn't look upon it as my money.

Q. I understood you to say that Mrs. Croker would rather keep it in a trunk than in a bank? A. Yes, sir.

Q Didn't that strike you, as a business man, as being rather careless? A. Well, she had her own ideas about that.

Q. I ask you whether that would not strike you, as a business man, as being rather careless? A. Probably it might be.

Q. Wouldn't you regard it as your duty under such circumstances to see that the money was not carelessly held? A. Well, I thought it was very safe in my wife's hands.

Q. Did you talk with her about where and how she was going to keep it? A. No; not particularly.

Q. Then you did not exercise any particular care yourself with regard to that money, did you? A. I supposed it was in a safe place in her hands.

Q. How long was that money in your wife's hands? A. The first money?

Q. Yes. A. It was in her hands for a year before she got the next

Q. Did you, during that year, ever talk to her about that money? A. We talked about getting enough money to buy a piece of property to invest for the child — some speculation or other.

Q. Did you that year? A. The next year, when we got enough.

Q. You say some speculation or other; was it your idea at the time that an investment of the money for the child and the discovery of

some speculation were convertible terms? A. That would bring interest?

Q. Yes. A. Yes, sir; I did.

Q. Does speculation and investment mean the same thing, to your mind? A. Well, yes, sir; I will take the word speculation back and say investment; I wanted to get a good investment.

Q. Did you talk with your wife at that time about any particular investment for that money? A. Yes; I told her when we got enough to buy a piece of real estate I thought it would be the best place to put it, and she agreed with me.

Q. To put that in with your money in the purchase of real estate? A. Yes, sir.

Q. Did you ever suggest to her the investment of this money specifically and apart from any other moneys? A. I can not remember; I thought we would look for a piece of property some place and put it in some place where it would increase as an investment and she would get the benefit of it.

Q. Do you know where your wife kept this money during all this time? A. I think the most of the time it was kept in the safe that I speak of; she had access to it.

Q. Then, I understand you to say that you are positive that that safe was there and that money was kept in it? A. I don't say that I am positive; I say that I think so; I could look up the dates; I am not sure about it.

Q. Did she tell you it was in the safe? A. I can not remember what she said about that — whether she said it was in the safe or where it was.

Q. Did you ever ask her where it was? A. When we got the safe — whether we had the safe before or not — if we had the safe at that time it went into the safe; if we had the safe at that time it went into the safe, and if we did not have the safe it went into her trunk or some place else of hers.

Q. Was that a sufficiently unusual occurrence to leave a mark on your mind as to whether it went into the safe or not? A. How is that?

Q. Wouldn't the fact of the receipt of that money at that time be sufficient to impress upon your mind the fact as to whether or not you had a safe at that time? A. I don't see that it would; if I was watching my own interests all the time closely and had nothing else to watch I might keep all those things in my head.

Q. This was not your own interests; it was your daughter's interests? A. That is mine too; if I could keep all those things and other things for twenty-five years in my head, why I could sit up here and answer

you, but I had to do so many things and to see to so much business in every way that I could not think of everything at that time.

Q. Then the fact is that you don't now know where that money was put? A. At that particular time?

Q. Yes. A. If we had the safe, we put it in the safe.

Q. Then your positive testimony on your direct examination to the effect that you put it in the safe should be modified as you now testify, should it? A. I testify now under oath that if that safe was in the house at that time it went into that safe.

Q. What makes you positive of that? A. Because Mrs. Croker and I had access to that safe, and naturally it was for that purpose — to put all our valuables into.

Q. And if you did not have the safe, where was it put? A. She took it and put it where she pleased herself.

Q. Did she tell you where she put it? A. I don't remember.

Q. Would you have been satisfied to have had that kept in a trunk? A. I would have been perfectly satisfied with her because I know it was safe in her hands.

Q. Is your house insured? A. Yes, sir.

Q. For how much is it insured? A. For $15,000.

Q. Was your personal property in the house insured? A. Yes.

Q. How much was that insured for? A. Five thousand dollars.

Q. Did you increase the insurance on your personal property at that time? A. No, sir; not at that time.

Q. Then if there was a fire in the house and this money was in a trunk and your insurance on the personal property was only $5,000, there was a considerable risk of a total loss, wasn't there? A. Yes; probably there was.

Q. Did you, at the time, realize the risk? A. I could not tell whether that money would go in the loss or not if there was a fire.

Q. Well, skipping that for the moment, did you realize the fact, inasmuch as you only had $5,000 on the personal property, and inasmuch as the money consequently, certainly was not covered, that there was a risk in keeping that money in the house under circumstances under which it might have been destroyed by fire? A. I never thought of that at all at the time.

Q. Have you ever kept an equal sum of money in your house? A. Yes, sir.

Q. How much is the largest sum of money that you have ever kept in your house? A. Twenty-five or thirty thousand dollars.

Q. What is the longest time during which you have ever kept a large sum of money in your house? A. Always; I never kept a bank account in my life except when I went in the chamberlain's office.

Q. Then you had no bank account at that time? A. No, sir.

Q. Had Mrs. Croker? A. I don't think so; she might have had an account of her own in the Emigrant's Savings Bank.

Q. Was it possible that Mrs. Croker, like a prudent mother, might have kept that money in her own bank account for the benefit of the child? A. I don't know; I know we were going to invest it for the benefit of the child.

Q. Have you ever made an investment in bonds? A. Buying bonds?

Q. Yes. A. No, sir.

Q. Have you ever made an investment in government bonds? A. No, sir.

Q. In city bonds? A. No, sir.

Q. Have you ever made an investment in first mortgages? A. No, sir.

Q. Have you ever made an investment in stocks? A. No, sir.

Q. Do you know that it is the rule and custom among trustees to invest in certain classes of securities, not real estate? A. Yes, sir; I know that.

Q. Do you know that trustees seek to invest either in government bonds, State bonds, city bonds, or the bonds of some first-class corporation? A. Generally; yes.

Q. Did you ever consider the investment of this money any first-class bond? A. We talked of that.

Q. Who are "we?" A. Mrs. Croker and I.

Q. How often? A. We talked of what way we would invest, and we both came to the conclusion that there would be more money realized by putting it in real estate up in Harlem somewhere.

Q. In other words, in making a speculative investment? A. No; investing it in real estate; we considered that that would be safer and the interest would be more for her.

Q. So that you had the interest in view? A. Yes sir.

Q. Having that in view, why was it that you did not see that interest was earned on that money during that year? A. We considered that it was earning it by the increase of the property.

Q. But at that time there was no property; you had the $5,000 in the house? A. Well, we were expecting to get more; I had my place at White Plains at that time, and I sold it a short time afterwards.

Q. If you had invested that money in a trust company you would have got interest on it, wouldn't you? A. Yes, sir.

Q. And you would have had the same access to the money and could have used it with the same readiness that you could having it

in your own possession in the house, couldn't you? A. Well, I left that entirely to Mrs. Croker; I let her use her own judgment about it.

Q. You left the question of the investment to Mrs. Croker? A. Yes, sir.

Q. Then you did not assume the actual management of this trust fund so as to see that it was managed to the best advantage and interest of your child? A. Well, I thought that her judgment was good on it and I agreed with it; we both invested it in the way I tell you.

Q. Have you read Mr. Grant's testimony? A. No, sir; only partly.

Q. Mayor Grant testified as follows — I read from page 665 — "And finally somebody took it away? A. Yes; I think the mother took it. Q. And the father and mother were both there at the time? A. Yes, sir. Q. Did you tell them what your purpose was that you intended this to be a gift for the child? A. Yes, sir. Q. You told them at that time? A. I did. Q. What became of the money? A. That I do not know; I presume it has been placed in the position that I intended it. Q. What was that? A. That it should be set aside for this child. Q. Don't you know, as matter of fact, that it was used to pay off a mortgage on the house? A. I do not, and I consider that money belonging to that child. Q. So do I; now the question is, Mr. Mayor, what do you know about the money, as to what became of it; did you ever have any talk with either the mother or father about it; do you know what bonds it is invested in now, or who has got the bonds, or anything about it? A. I say I do not know. Q. You never spoke about it from that day to this? A. No, sir; I have confidence enough in Mr. Croker to know that he will keep that money for that child. Q. Did you ever express your view about that matter to him? A. I expressed my views at the time that I gave the money. Q. But not after that? A. I don't recall that I did; I may have. Q. Did you ever speak to him at all about the way the money was invested? A. Asking where he had invested it? Q. Yes. A. No, sir." Now, you will observe that Mr. Grant testified "I have confidence enough in Mr. Croker to know that he will keep that money for that child." Did you know that Mr. Grant looked to you for the safe keeping of that money rather than to the mother? A. No, sir; I think he looked just as much to the mother, and probably more, than he did to me.

Q. [Reading.] "Did you ever express your views about that matter to him? A. I expressed my views at the time that I gave the money."

Q. Have you any recollection what views Mr. Grant expressed to you at the time he gave that money? A. He may have said something that I can not recall now; I have gone through a great deal since then, and I can not recollect very well.

Q. Did he advise you to invest it in bonds? A. I don't recollect that he did.

Q. Did he advise you to invest it in a mortgage? A. I don't recollect that he did.

Q. Did he advise you to invest it in real estate? A. I don't recollect that he gave me any advice how to invest it.

Q. If he had given you any advice it would have impressed itself on your memory? A. I think I would have remembered it.

Q. Then it is fair to assume that he did not give you any advice as to how to invest it? A. I don't remember whether he did or not.

Q. Do you feel certain that if he had advised you how to invest it, it would have made sufficient impression on your memory? A. I think if he had told me to invest that in government bonds, "I want that to be invested in government bonds," that that would have impressed me; surely I would have thought of that.

Q. What did he do or say which made it apparent to your mind that he looked to you to find a specific investment for the benefit of that particular child, of that particular money? A. He could have said the same thing to Mrs. Croker, because he met me oftener than he did her.

Q. I mean you; what did he say to you in regard to that? A. I don't remember his saying anything about that.

Q. Do you not know that if that money had been placed in a trust company you could have made money out of it by way of interest for your daughter? A. I have always had very peculiar notions about putting money in banks, and I have always kept money around the house; we never kept a bank account, and Mrs. Croker was always opposed to keeping a bank account, and this money was turned right over to her.

Q. Have you never had money out at interest? A. No, sir.

Q. Did Mrs. Croker at that time have any money of her own out at interest? A. Not that I know of.

Q. Do you know whether Mrs. Croker was at that time keeping any sums of money in the house? A. She may have had some saved up — some pin money.

Q. Were you keeping any money of your own in the house at that time? A. I think I had some.

Q. Is it possible for you in any way to recall about how much money of your own you were then keeping in the house? A. I could tell exactly how much I had in the house.

Q. You acknowledge and recognize the fact that you were responsible for that money as trustee for that child, do you? A. Well, we looked on it as both of us together.

Q. You as one of the trustees? A. Yes, sir.

Q. How then do you justify your failure to have invested that money at once for the child? A. Well, we were looking, as I told you before, to get a piece of property to invest it in around Harlem.

Q. How long prior to that time was it that you had made any purchase of real estate; what was the last purchase of real estate prior to that time?

Mr. COCKRAN.— You have a memorandum of all his purchases here, Mr. Ivins.

A. You have all that here; White Plains, wasn't it?

Mr. COCKRAN.—No; the Mt. Morris property.

The WITNESS.— Oh, yes; the Mt. Morris property; that was in April.

Q. You bought the Mt. Morris avenue property in April, 1884? A. Yes, sir.

Q. Had you, up to that time, been much of a purchaser of real estate? A. Yes; I had bought a farm at White Plains previous to that.

Q. What other real estate prior to that purchase of that farm? A. I had another piece of property in One Hundred and Seventeenth street, in 1881.

Q. Had you had experience in the purchase and sale and trading or speculating in real estate? A. I was looking at it all the time, more or less— looking for a chance to speculate.

Q. Did you at that time make any memorandum in any form, to the effect that that $5,000 was Flossie's? A. No, sir.

Q. How do you know that? A. Because Mrs. Croker took it.

Q. Might she not have put it with other money of yours? A. No, sir; I had mine separate.

Q. Where did you keep yours? A. I kept mine when we had not the safe in the fire department safe, when I was treasurer of the fire department; I kept it always there.

Q. And you don't know where she kept hers? A. I don't know; I could not tell.

Q. Did you ever tell any one that that money was in the house and belonged to Flossie? A. I don't recollect whether I did or not.

Q. Was there any way by which Flossie, or her representatives could have proved that that money was hers in case anything had happened to your wife and yourself? A. I think there was; I think Mrs. Croker had told her sister and her mother.

Q. Do you know whether or not Mrs. Croker's having told her sister and her mother-in-law would have been sufficient to enable Flossie to

recover that money; were you ever advised as matter of law in that regard? A. No, sir; I did not look into it as seriously as that; I didn't suppose we were both going to die at the one time.

Q. How many children had you at that time? A. Five children.

Q. Who, in case of your death, would have been your heirs? A. We had five children at that time.

Q. And who, in case of your wife's death, would have been her heirs? A. Yes, sir.

Q. In case anything had happened to you and to Mrs. Croker, what was there that would have prevented that money going to the children generally, instead of to Flossie particularly? A. I don't know.

Q. Was there anything? A. I don't know, except that it was known by Mrs. Croker and her sister and her mother.

Q. Then it comes to this: That that money was kept in the house for fully a year uninvested, not deposited in any bank, with no written memorandum or statement or declaration of trust of any kind, and kept in a place with regard to which you are not quite certain whether it was a safe or some other place in the house? A. I can not swear that that was not so; Mrs. Croker may have done something or have secured it in some way that I can not answer that question or swear to; she may have put it in a shape where it could be known; I don't know; I was so busy that I didn't interfere with the matter at all.

Q. The second sum was given about a year later? A. I think so.

Q. Describe the circumstances which surrounded the making of that gift? A. Just in about the same way as the first one.

Q. Had you been forewarned that Flossie was going to have another windfall? A. No, sir.

Q. Mr. Grant came there without notice and again gave the child a present? A. Yes, sir.

Q. This time in bills in the same way? A. I think it was the same.

Q. And in an envelope? A. I think so.

Q. And the same little scene was repeated: Mrs. Croker and yourself and Mr. Grant and all the children were there? A. Yes, sir.

Q. And then that conversation took place between Mr. Grant and Mrs. Croker and yourself about the second sum? A. Then we made our minds up to invest it just as soon as possible.

Q. While Mr. Grant was present? A. Oh, no.

Q. When Mr. Grant gave the second sum did he ask what you had done with the first? A. No; I don't remember that he did.

Q. Did you tell him? A. No, sir.

Q. Did you tell him that the money was still in the house? A. No, sir; I did not.

Q. Did you tell him it had not been put in a trust company? A. No, sir.

Q. Did you tell him that it was not in bond? A. I didn't speak to him about it.

Q. Did you tell him that it was not earning any interest? A. No, sir.

Q. Then you did not speak to him about the first sum and he did not speak to you about the first sum? A. No, sir.

Q. So that, although he increased the sum originally given two-fold, for the purpose of making provision for the future of this child, nothing was said as to what had been done with the first gift? A. I don't recollect speaking to him about it at all.

Q. And you don't recollect his making any inquiries about it? A. No, sir.

Q. At that time you and Mrs. Croker had not made up your minds how to invest it, when the second sum came in? A. Not right away — not right at that minute.

Q. Did you begin discussing the investment while Mr. Grant was present? A. No, sir.

Q. After he went away I understand you and Mrs. Croker began discussing the investment? A. No, sir.

Q. Did you then make up your minds as to what class of securities you would, by preference, invest it in? A. Yes, sir.

Q. And what did you make up your minds to do? A. To buy a piece of property.

Q. And the piece of property that you were about to buy was not in your mind yet, was it? A. No, sir; not that particular piece.

Q. Then you went about looking for a piece of property? A. Yes, sir; we thought of buying a piece in One Hundred and Twenty-fifth street first.

Q. How long after the second gift was it that you finally settled upon this piece of property that you have described as being the piece in which this money was invested? A. I think it was very soon after; I don't know the date but I know it was very soon after.

Q. Was it the next day? A. We talked right away about it; I don't recollect whether it was the next day or not.

Q. Was it within a month? A. I couldn't tell you.

Q. Where was this property? A. One Hundred and Forty-eighth street and Seventh avenue.

Q. How did you come to buy that piece of property in preference

to any other? A. Because we thought it was a cheap piece of property.

Q. How did you first learn that that property was in the market? A. Mr. Cyrus W. Field had it for sale.

Q. Did he tell you that that property was in the market? A. He told a friend of mine.

Q. Who did he tell? A. Do you want me to tell the person's name?

Q. Yes; I want the whole story.

Mr CHOATE.—I do not see how that is at all material.

Mr. IVINS.—It is of the utmost interest for the purpose of this inquiry to find out who advised Mr. Croker to purchase that property; who called his attention to that property. Mr. Croker can not, certainly, be ashamed of the man who told him about it.

A. I don't come on the stand as an informer.

Q. There is no element of informing about a matter of that kind? A. I don't come on the stand to be an informer, and, unless the committee says that I must tell, I will have to decline.

Q. You are under oath; will you tell us what possible fact connected with the purchase of that property, which if disclosed by you, would put you in the position of being an informer in the invidious sense of the word? A. I don't know, but I don't want to bring men's names in here that have been kind enough to tell me about this transaction; that is all; still, if the committee insist upon it, I will tell it; I didn't want to let Mr. Field know that I was buying it; my mother-in-law bought it.

Q. Was it sold at public auction? A. No, sir; at private auction.

Q. Did you employ a broker? A. No, sir; there was a gentleman who informed me that he could get it.

Q. Who carried through the purchase? A. The gentlemen that I refer to attended to it for Mrs. Fraser.

Q. Did you tell him that you wanted that property for yourself? A. Yes, sir.

Q. Did you tell him that you wanted it for your child? A. No, sir.

Q. Did you tell him you wanted it for the purpose of investing a trust fund? A. I did not tell him anything about my child at all.

Mr. IVINS.—I think it is very apparent why we should have the name of that person.

Mr. COCHRAN.—Does anybody doubt that he bought the property? We have the evidence that this gentleman carried through the sale; that Mr. Croker didn't want Mr. Field to know that he was the purchaser, and that this person took the matter up and carried through the negotiation for him. Now, Mr. Croker is asked to reveal the

identity of this gentleman, so that Mr. Field will know who he is. If the committee think that is proper we will consent to it, but I certainly think there ought to be a limit to this sort of inquiry. If it is intended to dispute the purchase, why then we can understand exactly its pertinency.

By Chairman HENDRICKS:

Q. Have you any objection to telling that? A. No, sir.

Q. Did he carry through the sale for you? A. Yes, sir.

Chairman HENDRICKS.— It seems to me that that is a proper question and as a matter of record it ought to be answered.

Senator MCNAUGHTON.— Well, I do think it should be answered. The property he purchased was not city property; it had nothing whatever to do with the city government. It was a transaction between one individual and another about a piece of property. In other words, one man meets a friend and says: "I think there is a good piece of property to invest in." Now, it is not of any interest to me, as a member of the committee, who that man was. It wont enlighten us a particle or aid us at all in the investigation. I have no objection to this inquiry going to its fullest extent, but I do not believe in sitting here all the afternoon and listening to interrogations that are eliciting no light whatever. And I may say right here that I do not think the conduct of Mr. Croker as a trustee for his child is on trial. He may have invested that money properly or injudiciously, but the fact is out that Mayor Grant gave that money and that the father and the mother he held responsible for the safe trusteeship of the money. I do not care whether that money was invested judiciously or not. That is a matter that Mr. Croker must settle with the child when the time comes. So it is not of any consequence to me to know that a friend told him of the property, especially when Mr. Croker don't want to give the name, and I do not think we should insist upon it. If we do this inquiry will never end. It will bring that gentleman here, perhaps, to see if he will say so, and then Mr. Croker may have to come back on the stand again, and when it is all through it will not have aided the committee in the least.

Mr. IVINS.— I do not care to enter into any controversy with the Senator. Mr. McCann testified that he had been told that Mr. Grant gave this child $25,000. Mr. Grant testified that he gave $10,000, but he testified that he gave it to the child to be invested for her. Mr. Croker has come from Europe for the purpose of being heard on that point, as he has sworn here this morning. He has testified as fully as he cared to testify. He and his counsel had full latitude with regard

to the facts that he cared to testify to concerning that matter. We now have two distinctly contradictory stories before this committee. First, a story told by Mr. McCann in one way, and, second, a story told by Mr. Grant and Mr. Croker in another way. Our present inquiry as to the truth of these stories and the credibility of the witnesses. Either Mr. Croker and Mr. Grant are to be believed, on the one side, and Mr. McCann is to be disbelieved, or Mr. McCann is to be believed and Mr. Croker and Mr. Grant discredited. It is necessary, in order that the truth be got at touching these particular transactions, that this committee should be enabled to determine before it puts in its report which of the witnesses on these two sides are credit worthy and which is or are not credit worthy. Now, for the purpose of determining that it is necessary that all of the circumstances surrounding this matter should be brought out, and if this be an honest transaction and Mr. Croker had taken no advantage of Mr. Field, and Mr. Field got the worth of his money, and there was nothing shameful in the transaction, there is no reason that I can see why Mr. Croker would refuse to answer that question. On the other hand, if Mr. Croker does answer that question, you can see very readily its immediate pertinency.

Mr. CHOATE.— Well, how?

Mr. IVINS.— Because it puts us in the position of being able to check off by that person exactly what was operating in Mr. Croker's mind at the time he caused this purchase to be made, and it will show, negatively at least, if he said nothing about his child, that so far as that matter was concerned that was to be eliminated.

The WITNESS.— I told you I did not tell him that the child had anything to do with it; I told him to go and get it for me at the best price he could.

Chairman HENDRICKS.— The committee decide that that question should be answered.

The WITNESS.— The gentleman was Edward C. Sheehy.

Q. Well, now, what is the reason why Mr. Sheehy's name should not be disclosed?

Mr. COCKRAN.— Now, we have got enough. I trust there will not be another argument.

Chairman HENDRICKS.— Oh, no.

The WITNESS.— The only reason was that I hated to bring men into everything.

Q. When did Mr. Sheehy call your attention to that property as a good purchase? A. I think three or four weeks before the purchase; I think it was $40,000 that Mr. Field wanted for it, and Mr. Sheehy

told me he thought he could get it for less; I told Mr. Sheehy to make him an offer and he made him an offer of $36,500—no; I think he said first that he could get it for $38,000, and I said to him, "Try and get it for $36,500, if you can;" he said, "I will try, but I doubt it;" he worked at it for two or three weeks, and finally he came and said that I could get it at that figure.

Q. Do you remember whether your first talk with Mr. Sheehy was before or after the second gift to your child? A. I am not sure, but I think it was after.

Q. When you first talked about that property, did you consider that it was a good property in which to invest? A. I was saving money up myself, and I made up my mind when we got enough to buy a piece of property, that we would buy it in my name, but that it would be for her, or we would let Mrs. Fraser go and buy the property, and let it be understood as being an investment for her.

Q. Do you remember whether or not at the time you first considered the suggestion of Mr. Sheehy about purchasing that property, you had $5,000 of her money or $10,000? A. I can not recollect whether I had the $10,000 or not.

Q. It would have made a material difference to you, wouldn't it, whether you had $5,000 or $10,000 as to your ability to raise the sum required? A. I had some money of my own saved up then; I am not sure whether it was prior or after.

Q. If it was prior and at a time when you only had $5,000 of her money, it would require more of your own money to enable you to make the purchase? A. Yes, sir; I don't know how long he was negotiating for that property, wether it was two or three weeks or not, but I know that he was some little while about it, and finally he got it.

Q. Do you remember the date of the signature to the contract to purchase? A. I gave that this morning.

Mr. CHOATE.—You stated it was the fifth of October. Deed passed in November and the contract was in October.

Q. When was your child's birthday? A. The fifth of October.

Q. So that the contract for the purchase of that property was then made on your daughter's birthday? A. I think so; I don't remember.

Q. Was the contract for the purchase of that property made before you saw Mr. Grant, when he made the present, or after? A. I don't recollect.

Q. If you had had the investment in view and you had had the $10,000, and that contract was made subsequently on the same day but at a subsequent hour, to the second gift, you would remember it? A. I might and I might not.

Q. Did you have sufficient money at that time for $5,000 to be an immaterial item to you in carrying through a transaction of that kind? A. I can not recollect all that transpired at that time; I was very busy; it was coming on election.

Q. And although you were making this investment partly for yourself and partly for your child, you were not really paying much attention to it? A. I let Mrs. Croker attend to the most of it, and her mother.

Q. That contract was taken in the name of her mother, Mrs. Fraser? A. Yes, sir.

Q. When did you tell Mrs. Fraser that you were going to take that contract in her name? A. I couldn't tell what day.

Q. Did you tell her before or after you took the contract? A. I told her before.

Q. And I understand that $5,000 was paid down on that contract? A. I don't recollect; I can not recall dates.

Q. Do you remember how much was paid down on account of that contract at that time?

Mr. COCKRAN.— Here is the memorandum, $1,000.

Q. Just answer that question? A. Yes; that is right.

Q. Do you remember, or do you not? A. I don't remember; the contract will show it.

Q. Was this $1,000 part of Flossie's money? A. Yes; I think it was.

Q. Are you sure of it? A. I think it was.

Q. Who paid that $1,000? A. Mr. Sheehy paid it.

Q. Who gave Mr. Sheehy the money? A. I think I did.

Q. Where did you get the $1,000. A. From Mrs. Croker.

Q. Mrs. Croker gave it to you? A. Yes, sir.

Q. Did she give it to you out of Flossie's money? A. I think so.

Q. Did she tell you, at the time, that she gave it to you out of Flossie's money? A. No; she did not speak about that.

Q. Did you ask her for a thousand dollars out of Flossie's money? A. We both understood that we were to buy this for her.

Q. Did you have any writing or arrangement with Mr. Sheehy whereby it was understood that this contract was for the benefit of anyone other than himself? A. No, sir.

Q. If Mr. Sheehy had died or if Mrs. Fraser had died, do you know what would have become of this contract? A. Mrs. Fraser and him went together on this thing; I left this in the hands of Mrs. Fraser and Mr. Sheehy.

Q. Do you know whether this contract was assigned by Mr. Sheehy before the title passed or at the time of the passing of the title? A. Mr. McClure is here, and he can tell you all about that.

Q. Did you leave it in the hands of a lawyer to close? A. Yes, sir; Mr. McClure.

The WITNESS.— Let Mr. McClure tell you about it.

By Mr. IVINS:

Q. I want to know what you know about it; Mr. McClure was not the purchaser; you don't know whether this assignment from Mr. Sheehy to Mrs. Fraser was made at the time the contract was taken or subsequently? A. I don't remember.

Q. You know nothing about the date of the assignment? A. Not unless I went over them all; I haven't gone over these things; I have been too sick.

Q. When did you first speak to Mrs. Fraser about this? A. Right at the time she got the property.

Q. While you were negotiating for it? A. Yes, sir.

Q. And before the contract of sale was entered into? A. I think so.

Q. What did you tell her about it? A. Mrs. Croker and her talked about it.

Q. Did you talk about it? A. Not particularly; I left it in her hands altogether.

Q. Then you, I understand, didn't talk with your mother-in-law at all? A. Very little.

Q. Did you ever tell your mother-in-law that this property was being purchased for the purpose, among other things, of finding an investment for $10,000 for your child? A. I left it entirely in the hands of my wife and mother to do it.

Q. Did you tell your mother-in-law that the purchase was being made for the purpose of funding an investment for the child? A. I can not recollect that I did. I wouldn't swear that I did or didn't; I am not sure,

Q. Then, you don't know of your own knowledge whether your mother-in-law knew it or not? A. I am of the impression that she did know; my wife, I think, told her all about it.

Q. Then, all you know about it is what you have heard from your wife? A. Yes, sir.

Q. And notwithstanding the fact that Mayor Grant testified that he left this with you and relied upon you investing it, you did not personally attend to the matter of investment, but left it to your wife? A. I relied upon my wife, and he relied upon me; that is all.

Q. When did your wife tell you that she had talked with her mother about it? A. I couldn't tell what date.

Q. Was it before the contract was entered into or after? A. I think it was before the contract was entered into.

Q. What did your wife tell you she has said to her mother? A. I can not express the exact language.

Q. Did she tell you that she had said to her mother that this property was going to be taken in her mother's name and was going to be an investment of Flossie's $10,000? A. I could not tell you the exact language; it was understood that way between us and it was bought for that purpose.

Q. How long did that property remain in Mrs. Fraser's name? A. I don't know; I think two or three months; the deeds will show that.

Q. Did Mrs. Fraser ever make or sign a memorandum, or document of any kind, showing that she held this property for account for yourself and Flossie?

Mr. COCKRAN.—We have here both deeds, Mr. Ivins, if you want them—the deed of Mr. Field to Mrs. Fraser, and Mrs. Fraser's deed to Mr. and Mrs. Croker.

The WITNESS.—Well, I am not sure whether she did or not.

Q. Did you take any steps to see that Flossie would have been protected in her property if anything had happened to Mrs. Fraser? A. I believe there was something done—I forget just what it was now—but I am sure of that.

Q. Did you advise with your counsel who passed the title at that time, with regard to taking any steps, or making any provision for the security of Flossie in the event of anything happening to Mrs. Fraser? A. No, sir.

Mr. CHOATE.—I do not think that the property lingered in Mrs. Fraser at all.

The WITNESS.—It was a matter that I let the women folks of the family take charge of.

Mr. CHOATE.—The deed was taken to Mrs. Fraser and immediately conveyed by her to the father and mother.

Chairman HENDRICKS.—That same day.

Mr. CHOATE.—The same day as I understand. These deeds bears the same date, but the deed from Mr. Field and Mary S., his wife, was made on the 2d of November, 1887, and was acknowledged on the 3d of November, 1887, showing apparently that that document was executed at the time of its date. It was then recorded on the 30th of November, 1887. So that it was acknowledged the day after its date, and apparently executed the day after its date, because I take its execution to be the date of the acknowledgment. It is acknowledged the third, which is the day after its date, and it is recorded on the thirtieth. Now, the second deed although bearing the same date was acknowledged some months afterwards, showing apparently that it was executed some months afterwards, being the second of February

of the following year, and that was recorded on the nineteenth of July of still the year following that. So that the document of Mrs. Fraser to Mr. and Mrs. Croker is dated the 3d of November, 1887, executed the 2d of February, 1888, and recorded the 19th of July, 1889. So that there was quite a lapse of time between the execution of the first deed and the second deed, and quite a lapse of time between the execution of the second and the date of its record.

Mr. COCKRAN.—I object because there is an assumption as to that execution. Mr. McClure can testify when they were executed. They were executed in his presence and not in the presence of Mr. Croker, so far as we know.

Mr. IVINS.—Mr. Cockran knows perfectly well that the date at the head of the instrument is in no sense controlling.

Chairman HENDRICKS.—It is witnessed, and, if not acknowledged at all, the execution could have been proved.

Mr. IVINS.—That I admit; but that established a prima facie case, the practice being that instruments of this kind are executed on the day of their acknowledgment.

Mr. COCKRAN.—Oh, no; that is not the practice at all.

Mr. CHOATE.—Well, Mr. McClure who was counsel and who attended to all this business is present. Let him be called to the stand.

Mr. IVINS.—I am perfectly willing to let Mr. McClure now rise and make his statement. I will take his statement about it.

Mr. MCCLURE.—Gentlemen of the committee, the facts are these: When that title was transferred to Mrs. Fraser, by Cyrus W. Field, on the same day a deed was taken from Mrs. Fraser in Mrs. Croker's name. When Mr. Croker came down, he said he desired to have a deed from Mrs. Fraser in the name of both Mrs. Croker and himself. Then this deed which is now before you, was immediately made and executed by Mrs. Fraser, on the seventh of November, and the old one was destroyed. But from the very moment the title passed to Mrs. Fraser, we had a conveyance out of her into Mrs. Croker, which rested for two or three days—a few days—and then the deed was made to both of them, substituted for the purpose.

Mr. IVINS.—Being familiar with these circumstances, how do you explain the fact of that acknowledgment going on there in the month of February, in the following year.

Mr. MCCLURE.—Because Mrs. Fraser did not execute this deed until some time afterwards. We first had the deed resting in our hands executed by her on the same day that the deed was made by Field.

Mr. IVINS.—Then there were three deeds—first, a deed to Mrs.

Fraser; second, a deed from Mrs. Fraser to Mrs. Croker, and, third, a substituted deed from Mrs. Fraser to Mr. and Mrs. Croker?

Mr. McClure.— Yes, sir.

Mr. Ivins.— Consequently the title to that property was vested in Mrs. Croker —

Mr. McClure.— The deed was resting in my hand in escrow apparently between Mrs. Fraser and Mr. and Mrs. Croker. Mr. Croker found out that the deed had been made to Mrs. Croker alone, and he said he thought it better be made in the name of both, and it was substituted for the other.

Mr. Ivins.— During the time that that property was in Mrs. Croker, by virtue of the depositing with you of that escrow deed, running to her alone, did you know that Flossie's money was invested in that property.

Mr. McClure.— I knew nothing about it. There was an anxiety on Mr. Croker's part to have it in both names, but he did not tell me the reason, and I never asked.

Mr. Ivins.— Mr. Croker did not tell you anything about that investment being for his daughter?

Mr. McClure.— No, sir. It was a private affair, and I did not ask anything about and never knew anything about it.

Q. Do you know whether or not, Mr. Croker, during the time this property was in your wife's name, that your wife had made a will? A. No, sir.

Mr. Cockran.— I object to that. The deed was never in Mrs. Croker, because it was not delivered, as Mr. McClure states. The title never was in Mrs. Croker's name, as matter of law.

Mr. Ivins.— The title was either in Mrs. Fraser's name, or in Mrs. Croker's.

Mr. Cockran.— It was in Mrs. Fraser.

Mr. Ivins.— And if anything had happened to Mrs. Fraser, that deed in escrow in Mrs. Croker could have passed.

Mr. Choate.— You will have the benefit of that argument wherever you want to make it.

Q. I want to find out whether, to your knowledge, Mr. Croker, Mrs. Fraser ever had a will? A. I never knew she had a will.

Q. Did you ever inquire whether she had made any provision of this property to the child? A. I never paid much attention to it; I let the women of the family settle that themselves.

Q. Did you ever inquire whether Mrs. Croker had ever made any provision for the protection of this child in case anything occurred to her? A. I never asked her.

Q. Did you ever make any provision for the protection of this property to this child specifically in case anything happened to you? A. No, sir.

Q. Why wasn't the deed taken to the child? A. Taken in the name of the child, do you mean?

Q. Yes. A. Because there was some of our money in it.

Q. Then your money and the child's money was mixed in it? A. I have $6,500 in it, and it was in both my wife's name and my own name.

Q. Who owns the property to-day? A. My wife and myself.

Q. How much of the property does Flossie own? A. She owns her share in it of $10,000, and what the increase will be in proportion.

Q. What written evidence is there in existence that would serve to show that Flossie has that interest in that property? A. What written evidence?

Q. Yes. A. I don't know as there is any written evidence.

Mr. CHOATE.— It has been written here to-day.

Q. There is no rents coming from that; if it were sold to-morrow we understand that Flossie would get the accumulation of the amount of money that was put in for her, interest or whatever the increase — is it unimproved property or improved? A. Unimproved.

Q. Is there any memorandum being kept in any way of the accumulation of interest on Flossie's $10,000 in that property as an investment? A. Not that I know of, unless Mrs. Croker has kept it; I don't know.

Q. Who pays the taxes? A. I pay them.

Q. Any charge being made in any way against Flossie's interest in the property? A. No; not particularly.

Q. Then the whole thing is all merged completely — it is all merged in one single item then; the entire fund, Mr. Croker's money and Flossie's money are merged in the one investment and there is no written evidence in existense for the purpose of showing how the title will lie or interest if that is divided up?

Mr. CHOATE.— Well, we have got it now very straight.

Mr. IVINS.— We needed it before now.

The WITNESS.— Flossie will lose nothing.

Q. Well, if you — A. We have talked about it among ourselves, that when the property — which we believe has doubled in valuation — that in proportion Flossie will get more than anyone else.

Q. Have you made provision to Flossie in any will to that effect? A. No; we have not.

Q. Now, when the balance of that purchase-price was paid, where did that money come from? A. The balance — $6,500?

Q. Yes? A. Moneys that I had saved up and accumulated.

Q. Do you remember what the entire amount paid on the property was? A. Sixteen thousand five hundred dollars.

Q. So that it had 10,000 of hers and 6,500 of yours? A. Yes, sir; 20,000 mortgage.

Q. Who paid over that 15,500? A. Sixteen thousand.

Q. No; there was 1,000 paid first and then subsequently 15,500. A. Who paid it over?

Q. Yes? A. Mrs. Fraser and Mr. Sheehy together.

Q. Who gave the money to Mrs. Fraser? A. I think I did.

Q. Where did you get the money? A. Ten thousand of it came from that source that I speak of and the 6,500 I accumulated, that I got.

Q. If the 10,000 came from that source, then the first 1,000 which was paid at the signing of the contract did not come from that source? A. Oh, I am counting that all in.

Q. Did you see where Mrs. Croker took the money from when she gave it to you? A. I didn't notice.

Q. Did she tell you where she took it from? A. I didn't notice.

Q. Did you ask her then where she had been keeping it during that time? A. I don't remember asking her; I did not pay much attention to it.

Q. Do you regard Flossie's original investment in that as $10,000, or as $10,000 plus a sum equivalent to the interest on $5,000 for the first year? A. I think she is entitled to about $20,000 out of it now.

Q. That is rather speculative on your part, is it not? A. I think she is entitled to that on the increase of the property.

Q. Did you ever have any discussion with Mrs. Croker as to whether or not Flossie had any interest in your Mount Morris avenue house? A. No.

Q. Did you ever talk with your wife about Flossie's having or not having an interest in the Mount Morris house? A. No.

Q. Did your wife ever tell you that she understood that Flossie had an interest in the Mount Morris house? A. No.

Q. Did your wife ever tell you that she understood that Flossie's money had gone into the Mount Morris house? A. No, sir.

Q. Now, Mr. Croker, are you prepared to swear that just prior to your departure for Europe you and Mrs. Croker did not have a talk in which the subject of the Mount Morris house came up and during which talk Mrs. Croker said to you that the house was Flossie's or that Flossie had an interest in that house? A. No, sir.

Q. No such conversation ever took place? A. No, sir.

Q. Did you ever have an interview with a reporter of the New York *World* in Weisbaden? A. Yes, sir.

Q. Can you remember what you said to that reporter with regard to this $10,000 gift? A. No, sir; I don't recollect.

Q. Did you say to him at that time that the amount was a small sum; that you couldn't remember what the amount was? A. Well, I may have said that to him; yes.

Q. Well, if you said that to him was it true or was it not? A. Well, at the time I saw the *World* reporter there I was very sick and very low and I didn't want to stay and talk to him at all; I told him I didn't remember; I didn't want to talk about anything at all.

Q. You simply told him you didn't remember? A. I said "I don't remember."

Q. But you said that? A. I think probably I did say that.

Q. As a matter of fact, did you remember at that time? A. Hardly; hardly; there is lots of things that has passed in the last fifteen years, two years and one year that I can't think anything about, but if you would bring them to me it would refresh my memory.

Q. And this $10,000 item is among that class of things? A. It refreshes my memory on most anything that you bring up now, that I have forgot.

Q. Did your memory need refreshment on this point? A. Which point?

Q. As to the amount and what it was given for? A. I was not going to tell reporters all about everything; go into investigation in Weisbaden.

Q. Did the reporter tell you at that time that Mr. Grant had testified that $10,000 had been given? A. I don't recollect whether that was before or after.

Q. Did you not know at that time that the whole matter was already public property? A. I think that the first intimation that I got I saw it was $25,000; it was reported in some of the papers that Mr. McCann had testified; I don't think at that time that he spoke to me there was anything said about amounts.

Q. When did you first see Mr. Kelley with regard to securing, if possible through Mr. Edson's appointment, from among the friends of Tammany Hall, a commissioner of public works in the year 1884? A. When did I first see him?

Q. Yes. A. You mean the date I saw him; I couldn't tell you the date; I saw him at his house when he was sick.

Q. Was it after the election or before? A. I think it was after; I am not sure.

Q. Do you remember about what time you began being active in the effort to prevent Mr. Thompson's renomination — reappointment, I should say? A. I think it was after the election—I wouldn't say positive; I think it was—of that year.

Q. Was it before the first of December? A. I think so.

Q. The office expired on the twelfth of December, did it not? A. Well, it was before that, of course.

Q. It was before the expiration of the term? A. It was sometime before—two or three weeks before that that the struggle was being made.

Q. Did not you and a number of your friends in Tammany Hall, have meetings for the purpose of discussing that question? A. No, sir; not particularly; talked of it in general around.

Q. Do you remember having gone—if you did go—having gone to the house of Mr. John Scannell and there discussing with him and others what was to be done in the premises? A. I remember being at his house often, but not particularly on that question.

Q. Do you remember having any meetings with any members of Tammany Hall at the register's office, during the months of November and December in regard to the matter of the commissionership of public works? A. Well, we used to meet frequently downtown on matters of that kind, to consult to see how we could stop this thing in every way, head it off.

Q. Do you remember attending a meeting at the register's office in the latter part of November or early part of December, 1884, at which Mr. John Slevin and Mr. Scannell were present, and at which meeting the commissionership of public works was discussed? A. Well, we used to meet down there quite frequently at that time; we had no other place to meet then, and we used to go in there and sit and talk—meet and talk about this money that was up to get Mr. Thompson in and—

Q. Tell us what you talked about this money that was up to keep Mr. Thompson in, what you heard the sum was, where you heard the sum was, and where you heard the sum had come from? A. Well, I could not tell you where it came from, where I heard it came from; I heard it was up.

Q. Do you remember who told you it was up? A. It was the general rumor all around—the general rumor.

Q. Was it in the newspapers? A. I don't know whether it appeared in public print or not at that time, but it was a general rumor all around that there was money up.

Q. Did you hear of a rumor being around that there was money up in Tammany Hall, too? A. I never heard such a rumor.

Q. Did you see any statements in the newspapers at about that time, that Tammany Hall had raised large sums of money? A. Never; never saw a statement of the kind.

Q. Were you in the habit of reading the daily papers at that time? A. Yes, sir.

Q. And among the daily papers which you were in the habit of reading, did you use to read the *New York Herald*? A. I used to, sometimes, but I never heard of Tammany Hall —

Q. Did you see a statement in the *New York Herald* to the effect that Tammany Hall had raised a boodle, so-called, of a hundred thousand dollars to defeat Thompson's confirmation and confirm Mr. Grant? A. I never saw that in a newspaper; no, sir.

Q. Can you tell us with any definiteness or distinctness so as to actually aid the committee in the discovery of the culpable parties, if there were such, who put up that $80,000, so alleged by the County Democracy? A. I was trying to find that out, but I could not; that is what I was to work at; I told Mr. McCann about it, and he added still a hundred thousand to it and put it on the other side.

Q. Did you ever hear of large sums of money having been raised for use in the board of aldermen to secure the confirmation of any nominees of any mayor? A. No, sir; I did not.

Q. Did you ever hear of any large sum of money having been raised in the board of aldermen, for instance, in 1880, when Mr. Thompson was originally confirmed? A. Well,. there was all kinds of rumors, Mr. Ivins, but I done all I could to find out where those moneys were and who had them and everything else, for to make a point for our party, and break them up, and I had no dealings at all, directly or indirectly, in any way, with raising money to bribe anybody at all; I have always done what I could to protect the public service in every particular.

Q. Did you ever have any meetings with any of the leaders of Tammany Hall, at the Cosmopolitan Hotel, at which meetings this question of the commissionership of public works was discussed? A. No, sir; I never did.

Q. Do you know Mr. Solomon Mehrbach? A. Yes, sir.

Q. Mr. Solomon Mehrbach is an old acquaintance of yours? A. I know him for a number of years; yes.

Q. Frequent visitor at your house? A. No, sir; I do not remember him having been much at the house.

Q. Used to go there occasionally, did he not? A. I don't hardly

ever remember seeing him at my house; he has been at my office, I think.

Q. Did you ever talk with Mr. Mehrbach about that commissionership of public works? A. I don't recollect talking to him about it; I may have; I don't recollect.

Q. Do you know Mr. McAleenan? A. I know him; not well.

Q. Did you ever talk with him about the commissionership of public works? A. No, sir; I don't remember.

Q. Do you know Dr. Devlin of East Twenty-third street? A. No, sir.

Q. You don't know him? A. I don't remember Dr. Devlin?

Q. Yes. A. I don't think I know him.

Q. Did you ever hear of a check of any sum whatever having been drawn to Mr. John Scannell and by him indorsed to Mr. Solomon Mehrbach and the proceeds held in escrow for the purposes of political work in and about the confirmation of the successor to Mr. Thompson? A. No, sir; I never did.

Q. When did you first hear about Mr. Adams from Mr. McCann? A. Well, I heard about Mr. Adams—I don't know what year that was—let's see; it was a year before he went into Mount St. Vincent, I think; before he broke up over there; I can't call to mind what year it was, but it was while he kept his store on Sixth avenue; and he spoke to me about him himself; asked me to meet him, as I told you this morning, and I met him on that occasion.

Q. Were you in the habit of talking politics with Mr. McCann? A. I used to sometimes talk politics with him; yes, sir.

Q. Mr. McCann show any interest in politics? A. Well, he appeared to be; yes, he appeared to show a little interest at that time.

Q. You used to consult with him for the purpose of getting his advice as to what you should do politically? A. No, sir; not — no, not particularly; I would talk with him frequently about matters.

Q. Did any Tammany Hall men refuse to vote for Mr. McQuade in case he was the nominee? A. I don't remember.

Q. Was there any rumor at that time, or did you have knowledge of it at any time, that any Tammany Hall aldermen had, so to speak, been captured by the other side? A. I don't recollect; I can not recollect exactly; at that time Mr. Kelly was sick, and I was going with Mr. Kirk up to Mr. Kelly every day; Mr. Kirk was the messenger to Mr. Edson; I didn't go in to see Mr. Edson, but I went with Mr. Kirk to see Mr. Kelly, and I heard him say that Mr. McQuade was the man he wanted; that Mr. McQuade was the only candidate that he had asked for.

Q. The Tammany Hall men in the board of aldermen were all straight, so far as party lines was concerned, at that time? A. I think they were; I am not sure of that.

Q. Wasn't this the fact, that the votes of any three men added to the votes of the County Democracy would have secured the confirmation? A. I don't recollect that.

Q. Wasn't it the fact that the four questionable and doubtful votes were the votes of Aldermen Pearson, Wendell, Miller and Rothman? A. Well, we were trying to do what we could to stop the County Democracy candidate from being put in the department of public works and to find out where the money was placed; and I told Mr. McCann at the time what I had heard and what was the general rumor all around, and he told me that probably I could find that out from Mr. Adams in talking with him.

Q. In order to prevent Mr. Thompson's confirmation you would have had to have got at least three of those votes? A. That is what you say; I don't remember now how many were required at that time.

Q. Did you make any effort to secure the vote of Alderman Pearson? A. No, sir; no more than I said to Mr. Adams, "Do you know Pearson?" He said, "Yes, I know him;" I think I said to Mr. Adams, "They tell me that the other side (that is the County Democracy) have got him for Thompson; do you know anything about it;" he said, "I don't know; I don't think they have; he is a Republican, and I don't think they have," and it dropped at that.

Q. You say you went there on that occasion to talk with Mr. Adams about Mr. McCann's business? A. Mr. McCann asked me to talk with Mr. Adams.

Q. Had you ever been to that store of Mr. McCann's before? A. I am not sure whether I was or not; I think I was; I am not sure of that.

Q. Did you ever go there afterwards? A. I think so; I think I was there afterwards and before; I am not sure; I was not in the habit of going there at all.

Q. Were you in the habit of discussing Mr. McCann's business with him? A. Well, I wanted to see him get along; he asked me to try and see what I could do — see what I thought of Adams, and give him my opinion of him, which I did; and we talked about his business and about what I thought of him.

Q. Did he ask you to talk with Adams touching the matter of going uptown or downtown, or particularly to get your judgment of Adams as a man? A. Well, about both.

Q. Have you ever been in the drygoods business? A. No, sir; I never was.

Q. Have you ever studied the geography of New York from the point of view of the best locality for a drygoods store? A. No, sir; but I thought it was building in Harlem, and I just suggested that myself.

Q. How frequently has Mr. McCann consulted you about his business? A. Well, not very often.

Q. Now, if you went there to talk with Mr. Adams about Mr. McCann's business, explain to us why you and Mr. Adam's went apart, privately, by yourselves? A. Mr. McCann brought the interview about and brought us together upstairs in his room over his drygoods store and left us, and before I met Adams he asked me if I would do this for him, and I said that I would, certainly.

Q. Did Mr. McCann go away quite voluntarily? A. He waited downstairs until I got through.

Q. Did he suggest to you before Adams came that you and Adams had better confer privately? A. He said, "I better not be there, it wouldn't look right;" he did not want to be there while I was talking about him.

Q. Did you go to Mr. Adams to talk about Mr. McCann? A. Yes, sir.

Q. For the purpose of helping Mr. Adams to judge about Mr. McCann? A. Yes, sir; I went there to give Mr. McCann my judgment about Adams at Mr. McCann's suggestion.

Q. Couldn't you have done that just as well if you had talked in McCann's and Adams' presence? A. Yes, sir; McCann said he would rather not be there when we were talking.

Q. And that is the only reason for your having talked privately? A. He said he would rather I would talk with him about the business and about what I thought about him and tell him afterwards, and I did; I never saw Mr. Adams before or since, and I wouldn't know him now if I met him; if I met him any place, I wouldn't know him.

Q. Mr. Croker, has any one else in public office, now in public office or heretofore in public office, ever made a gift to any of your children? A. Never, sir, that I know of; never.

Q. Has any one now in public office or heretofore in public office ever made a gift to you? A. No, sir.

Q. Have you ever had any share, directly or indirectly, in the income from the county clerk's office? A. Never, sir.

Q. Have you ever had any share, directly or indirectly, in the income from the register's office? A. Positively never; from no office.

Q. Have you ever asked; did you ever ask Mr. Riley while he was sheriff to make any contribution to campaign funds? A. Mr. Riley?

Mr. COCKRAN.— While he was sheriff?

Q. While he was register, I should say? A. To make a contribution?

Q. To campaign funds? A. I don't know that I did; no, sir; I did not.

Q. Did you ever ask Mr. Slevin when he was register to make any contribution for campaign funds? A. No, sir; I never asked any man in politics to make a contribution.

Q. What is your position in Tammany Hall? A. What is my position?

Q. Yes. A. I am a member of the general committee of Tammany Hall.

Q. Are you a member of the Tammany Society? A. Yes, sir.

Q. Is there in the Tammany Society a committee known as the committee on building? A. Yes, sir.

Q. Are you a member of that committee? A. Yes, sir.

Q. How is that committee constituted? A. Building committee of five; chairman —

Q. Who are they? A. Well, I wasn't here when the last committee was elected; I was away.

Q. Are you a member? A. Yes, sir; I believe I am.

Q. The general committee of Tammany consists of how many members? A. I think over 2,000 members.

Q. They come from — A. The different districts.

Q. The twenty-four different districts in the city? A. Yes, sir.

Q. Each district has an executive committee or committee on organization, has it not? A. Each Assembly district has got an executive committee in addition to their general committee that they elect from the general committee.

Q. How large is that executive committee? A. That executive committee is about — it all depends on the size of the Assembly district; in proportion to the Assembly district; the executive committee in each district, I suppose, is about twenty or twenty-five out of the general committee of 150 or 160.

Q. And there is another committee in Tammany Hall, is there not known as the committee of twenty-four or twenty-seven, something of that kind? A. Twenty-four; they are selected from the executive committee.

Q. And the member of the committee of twenty-four from each district is the leader of the organization in his district, is he not? A. In each district; yes, sir.

Q. And that makes twenty-four out of that body? A. Yes, sir; there is twenty-five now.

Q. Twenty-five; there being two from the annexed district? A. The annexed district.

Q. Then the chairman of the finance committee is a member of that committee, is he not? A. Yes, sir.

Q. Who is chairman of the finance committee? A. The finance committee of Tammany Hall?

Q. Yes. A. I am.

Q. The chairmanship of the finance committee usually carries with it the titular leadership of the organization, does it not? A. Well, as a rule; yes, sir.

Q. Mr. Kelly was chairman of that committee? A. Yes, sir.

Q. And titular leader? A. Yes, sir.

Q. Then another member of the committee of twenty-five is the chairman of the committee on organization, is he not? A. He is a member; yes.

Q. Who is he? A. Mr. Gilroy.

Q. And you have a committee on correspondence, have you not? A. Yes, sir.

Q. The chairman of that committee is also a member of this committee of twenty-four? A. I think he is ex-officio a member.

Q. And who is that? A. I think it is Mr. Cockran.

Q. So that your twenty-five leaders and the chairman of these three committees constitute the committee of twenty-four — or whatever you call them? A. Yes, sir.

Q. Now, what are the duties of the chairman of the finnace committee of Tammany Hall? A. Well, to raise whatever money we can, legally and honest, to help the organization.

Q. Did you ever raise any money as chairman of the organization? A. Myself particularly?

Q. Yes. A. No, sir.

Q. Did you ever instruct anyone to raise any money? A. No; we met and we divided ourselves off; the last time I met; the last time we met we proposed to raise some money — we divided ourselves off into subcommittees, and the committees went off and got whatever contributions they could and returned it to the treasurer.

Q. Does the finance committee of Tammany Hall keep any books? A. No, sir.

Q. Have you a treasurer of Tammany Hall? A. Yes, sir

Q. Who is he? A. Mr. Gorman.

Q. Does he keep any books? A. I don't know; I don't know whether he does or not; the only way that Mr. Gorman does, if you contributed $200 to Tammany Hall and sent it to me, I send it to Mr. Gorman, and he sends you a receipt for it; that is about the only way that it is kept.

Q. Do you know of any assessments ever having been imposed upon or asked of or collected from any candidate for office? A. Any assessments?

Q. Yes. A. I don't know of any particular assessments.

Q. Do you know of any candidates ever having paid any sums to the treasury of Tammany Hall for the purposes of the campaign, after he had been nominated?

Mr. CHOATE.— I hope this line of inquiry will be allowed to be followed up, and that the committee will recognize the propriety of calling the leaders of the other two political parties of the city that they may be asked the same questions.

Mr. IVINS.— There can be no possible objection to that. Ever since I personally began the war on the assessment system and made the first draft of a ballot-reform act, I have been looking for the time when these very questions would be asked and answered.

Mr. CHOATE.— Let's have all three in.

The WITNESS.— Well, it is evident, Mr. Ivins, that a big organization can't be run without money, because there is a thousand election districts in the city of New York, and I will explain it the best I can —

Q. Well, do. A. — to the committee, the system on which we run it; there is a thousand and some odd election districts to-day in the city of New York, and, as a rule, there is eight or ten men employed election day in those districts for the purpose of distributing ballots, at the sum of five dollars apiece — they get for their day's work; sometimes there is twenty candidates running for election to an office, and that is about two dollars and fifty cents for each candidate to represent, for each man in each district, and it costs at least sixty-five or seventy thousand dollars, at least that — from fifty to seventy thousand dollars to run the organization of Tammany Hall in New York successfully.

Q. You mean successfully or capably? A. Or any other way — to put the men in the districts and distribute these tickets; and in that way, of course, we had to raise money; but we levied no tax on any man holding an office, at no time; outsiders — people who were friends of ours would send their checks to me; I would send them to Mr. Gorman; they would send checks to Mr. Gorman and he would send

their receipts back to them; now, that is the only way I know that I could explain any—

Q. Did you never know of any sum having been fixed on prior to a nomination as a proper sum to ask for from any particular nominee? A. No, sir; the nominees themselves would go to the treasurer; whatever they would propose to give, could give, they would give.

Q. Very well; let me then ask this question: What was got from Mr. Hewitt when he ran for mayor in 1886, do you remember? A. I can't tell that; I don't recollect how much was got from Mr. Hewitt.

Q. Was it not a fact that Mr. Hewitt gave $12,000? A. I forget that; I don't remember how much he did give.

Q. What was Mr. Grant's contribution in 1884? A. As sheriff?

Q. No, for the mayoralty. A. I don't recollect.

Q. The first time he ran? A. I don't recollect what his contribution was.

Q. What was Mr. Grant's contribution in 1885, when he ran for sheriff? A. I don't recollect; I think it was very little; I think that his contribution was very small; at that time he had a hard race; that time, I think, it was very light.

Q. Did not Mr. Grant pay a large sum the year he ran for mayor, in 1884? A. I think he spent a great deal of money outside, around in the halls and meetings and one thing or another.

Q. What was his contribution when he ran for mayor in 1888? A. I don't remember.

Mr. Choate.— Can't we agree about what Mr. Grace and Mr. Hewitt and Mr. Grant all contributed? I guess there will be no difficulty in finding out.

Mr. Ivins.— So far as I am concerned, when the proper times comes I wish to go with the committee most exhaustively into this matter, and to call every witness who can shed any light upon it in any way.

Mr. Choate.— You better call Mr. Grace.

Mr. Ivins.— You need not be so determined about it. Mr. Grace will be called and everybody will be called who can shed any light on the subject whatever. This committee is not responsible for Mr. Grace's contributions, nor are you responsible for them, nor is Mr. Choate responsible for them, nor is Mr. Cockran responsible for them —

Mr. Cockran.— Thank Heaven.

Mr. Ivins.— Nor am I responsible for them.

Mr. Choate.— In the meantime this witness will give you all the light he can.

Mr. COCKRAN.—I will state to the committee there will not be the slightest objection on the part of Mr. Grant's counsel to producing him before the committee and showing every dollar that he ever contributed for any political purposes whatever. Then we will have it from first hands.

Q. He gave it to the treasurer, I presume, at that time? A. He didn't give it to me; I can't tell.

Q. Do you know what sum was contributed by Mr. Barrett when he ran the Supreme Court judgeship in 1885? A. I could not tell you.

Q. Did you ever have any talk with Mr. Barrett about his contributions? A. No, sir; I don't think I spoke to Judge Barrett in five or six years before he was nominated.

Q. Did you ever hear what was contributed by Mr. Ransom when he ran for the Superior Court judgeship? A. No.

Q. Do you know what was contributed by Judge Bookstaver when he ran in 1885 for the Common Pleas? A. I can't recollect, Mr. Ivins.

Q. Do you remember the circumstance of Judge Bookstaver's nomination? A. I think he was suggested by the Irving Hall party at that time.

Q. Was not his name discussed in the meeting of the committee of twenty-four at Tammany Hall prior to the nomination having been made? A. Bookstaver?

Q. Yes. A. Discussed?

Q. Yes. A. I think so, probably.

Q. Did you ever have any talk with Judge McAdam relative to that nomination and prior to the time the nomination was made? A. Judge Bookstaver's?

Q. Yes. A. I may have talked with him about it.

Q. Was Judge McAdam a candidate for that nomination? A. Every name we nominate, mostly, I talk some, more or less, about them before I make my mind up to support them; I talk with most everybody and get their views.

Q. Was not Judge McAdam himself personally a candidate for that nomination? A. I do not recollect that he was.

Q. Are you prepared to swear that you did not talk with Judge McAdam about that nomination? A. No, sir; I am not prepared to swear that.

Q. Are you prepared to swear, that you did not say to Judge McAdam that if he were to be nominated it would be necessary for him to raise a certain sum of money? A. Yes, sir; I am prepared to swear that.

Q. Who first suggested Mr. Bookstaver in that conference, was it not Mr. Cockran? A. Mr. Bourke Cockran?

Q. Yes. A. I don't recollect; I could not keep all those things in my mind, to save my life; there has so many things happened since — so many changes of election.

Q. Do you remember anyone's having said at that meeting at Tammany Hall that Judge Bookstaver would be willing to pay a certain assessment? A. I don't recollect, sir.

Q. Do you remember a certified check's being brought into that meeting for Bookstaver's assessment? A. No, sir; I don't recollect.

Q. Can you tell us what assessment was paid by Judge McAdam and Ehrlich for the city court nominations in that year? A. I could not; they were all referred to the treasurer.

Q. And who was the treasurer at that time? A. Judge Gorman.

Q. Do you remember what Sheriff Flack paid as an assessment when he ran for county clerk in 1885? A. No, sir; that was all done through the treasurer, all those things.

Q. How long had you known Sheriff Flack at the time that he was nominated for county clerk in 1885? A. Before; I had known Sheriff Flack, I think, for twenty years.

Q. And he was nominated for sheriff in 1888, was he not? A. I think, 1888; yes, sir.

Q. Did you know at the time of his nomination for sheriff in 1888, of his relations to Mrs. Raymond? A. No, sir.

Q. You had absolutely no knowledge of that, directly or indirectly? A. No, sir.

Q. Now, is there any one man who has at any time ran for office as the nominee of Tammany Hall, since 1885 and down to date, whose contribution to the campaign fund, either voluntarily made, or as an assessment, you can remember? A. No, sir; I can not recall them; we kept no account of anything.

Q. You kept no account of anything? A. No; except what I tell you; if you contributed to the party you would get a receipt for it; that is all I know.

Q. Do you know what Mr. Edward Kearney contributed to the campaign fund in 1888? A. I can not remember.

Q. Do you remember that he contributed $5,000? A. Eighteen hundred and eighty-eight?

Q. Yes; Mr. Grant's second election? A. I do not.

Q. Do you remember what Mr. John Scannell contributed in 1888? A. I do not.

Mr. Choate.— Mr. Ivins, did these contributions go to the witness'

Mr. IVINS.—He was chairman of the committee of Tammany Hall.

Q. Did you ever know what sum was paid by John Scannell? A. There was no collections made in the finance committee at all except what was turned into the treasurer; as I say, the finance committee divided themselves off into subcommittees; Mr. O'Donohue was on the committee, and several others, and they said: "We will go and get what money we can, and turn it over to the treasurer," and they all started out and got whatever money they could, and turned it over to the treasurer; I don't know anything about it; whatever money was sent to me, I would send it to the treasurer, and I told the treasurer to send them a receipt.

Q. Do you remember any checks having been sent to you? A. I can not recall any in particular.

Q. Do you remember any checks in a sum of $5,000 each having been sent to you, of Henry Hilton? A. I think, during the presidential election, there was some money sent to the treasurer.

Q. This was in 1888; I mean for the election; for the purposes of the election of Mr. Grant; did you ever hear of Mr. Henry Hilton's having made a contribution to Tammany Hall for election purposes in 1888? A. I believe he did, sir, at that time; I think I have the slightest recollection.

Q. What was his contribution? A. I don't know, now; I can not recollect exactly.

Q. Did you know, or did you ever hear of George Hildebrand? A. I know of him.

Q. Do you know whether he had anything to do with passing on Mr. Hilton's money to the Tammany Hall committee? A. No, sir.

Q. Did you ever know whether that was $5,000 or more? A. No, sir; I never did.

Q. Did you ever hear what Mr. Scannell contributed in that campaign? A. No, sir.

Q. Has Mr. Scannell ever talked with you about his contribution for that campaign? A. No, sir.

Q. Do you know of any member of the board of police, or any officer of the police department ever having contributed any money to Tammany Hall campaign fund? A. No, sir; I do not.

Q. Do you know of any member of Tammany Hall ever having been designated to make collections from them? A. No, sir; you see in districts, in Assembly districts, I would not know anything about it; contributions could be collected from those people without my knowing anything about it, because they had their own treasurer in each

district; each district organization has its own treasurer, and, of course, they collected what they could to run their local organization.

Q. Did you ever hear of the district organization treasurers collecting from police officials? A. No, I don't remember any that I can recall; I can't recollect any.

Q. Did you ever hear, directly or indirectly, of any district committee treasurer collecting from liquor dealers? A. No, sir; I did not.

Q. Did you ever hear, at any time of any fund ever having been contributed to Mr. Grant's campaign fund in 1888 by gamblers in this city? A. Never did; no, sir; never heard of it.

Mr. CHOATE.— Now are you going through the whole category of the Democracy?

Mr. IVINS.— I am going just as far as it is possible to go to find out where these moneys came from.

Mr. CHOATE.— Go on.

Mr. IVINS.— And I am getting a very little information from Mr. Croker.

The WITNESS.— I will give you all I can, Mr. Ivins. I assure you I will give you all I can recollect.

Mr. COCKRAN.— The successful members of the fraternity that Mr. Ivins refers to are all on the other side. Mr. Croker don't deal with that class. Mr. Grace can tell all about that.

Mr. IVINS.— Now, if the committee please, I say right here I have to-day absolutely no connection, directly or indirectly, with Mr. Grace. Mr. Grace is an honored and respected citizen of this community, who has been twice its mayor, and as such he is entitled to respect, and, although I have no association with him, directly or indirectly, and although I have never talked with him but once with regard to this investigation, in any form, and although he and I have no political association and no business association, still there is no reason in the world why this man should sit here and every time any question is asked bearing on these matters, directly in the line of the investigation, make an invidious assault upon Mr. Grace, any more than upon Mr. Hewitt or upon Mr. Edson, or upon Mr. Cooper or anyone else.

Mr. CHOATE.—Who is "this man?"

Mr. IVINS.— This man is Mr. Cockran.

Mr. COCKRAN.—Now, may it please the committee, there is a question before this committee here that alludes to Mr. Grace. It was not made in any sense invidious to Mr. Grace, but we have the promise of Mr. Ivins that this investigation is going to embrace Mr. Grace, and the questions which have been put to Mr. Croker are of the most

offensive character, they are questions that are intended for mere malice —

The WITNESS.—I do not care; I will answer them.

Mr. IVINS.—Now, if the committee please, I object right there. There is no malice in those questions.

Mr. COCKRAN.—Mr. Croker has been asked if gamblers had contributed, if liquor dealers had contributed, and I presume if the matter had not been brought to a halt he would have asked whether other lawbreakers had not contributed. Now, I say those questions are offensive to Mr. Croker and intended to be such, and the man who levels an assault at a citizen who has come 3,000 miles to defend his character, placing his life in the balance to do so, ought not to complain of any imputations that are made upon him or anybody.

Mr. IVINS.—No imputations are made upon me and no imputations can be made upon me, but even if I were actuated by malice, and even if I were doing the improper and the indecent thing, that is no justification for Mr. Cockran's making invidious imputations, which certainly are actuated by malice in regard to a man who is not here and whose acts are not now in question, and selecting one man in preference to all other men.

Mr. COCKRAN.—I will include the others who are associated with him.

Mr. CHOATE.—Will you put Mr. Grace on the stand to-morrow and let us examine him?

Mr. IVINS.—No, sir; you understand perfectly well and you understood when you came here, that I have already delayed my business for this purpose. I am not going to spend the summer in this investigation. It was not the purpose of the committee to do it. The committee has come together to hear Mr. Croker. I understand that he is soon going away again. I want to have him as a witness while here on all points that he can testify to, and after that it will be unnecessary to call Mr. Croker, and when the investigation goes on again in its regular order, all of these questions can be taken up, and I promise to take them up, as it has been the understanding between the committee and myself from the beginning that they all should be taken up. Now, I ask Mr. Croker simply if he heard of these things. Many of us have heard of them. He should have the benefit of the chance to make the statement that he has not, and it is to his credit that he has not heard of them, and there is nothing malicious in it and it does him no harm.

Mr. CHOATE.—Suppose you proceed with the examination. There is another witness that desires to be examined.

The WITNESS.— I will cheerfully answer any of those questions if I can bring it to recollection.

By Mr. IVINS:

Q. Then I understand from you, Mr. Croker, that you have no certain positive knowledge of any definite assessments having been levied upon any candidates? A. I do not; no.

Q. Do you remember the circumstance attending the nomination of Judge Bischoff? A. Yes, sir.

Q. Do you know Mr. Leventritt? A. Yes, sir.

Q. Was that nomination offered to Mr. Leventritt? A. Yes, sir.

Q. Do you know, directly or indirectly, why Mr. Leventritt was ever told that it would be necessary for him to raise any money? A. No, sir; never told him.

Q. Within a few hours after the nomination was offered to Mr. Leventritt he retired, did he not? A. Yes, sir.

Q. And then the nomination was offered to Mr. Bischoff? A. Yes, sir.

Q. Do you remember having any conversation with anybody relative to the sum which, in your judgment, or on the judgment of Tammany Hall, ought to be contributed by Mr. Bischoff? A. No, sir.

Q. Did you ever have any talk with Mr. John Riley about Mr. Bischoff's contribution? A. Well, I may have talked with him about it, I forget now, I may have talked with him; I don't think I volunteered to talk with him; I think he talked to me about it.

Q. Have you ever heard that Mr. Bischoff contributed $15,000? A. No, sir; I did not; I think Mr. Riley had told me that if he would get the nomination he would see that his contribution would be satisfactory, and that is all there was of it.

Q. That was all there was of it? A. That was all there was of it; now, Mr. Leventritt's nomination, of course, I don't want to go into —

Q. I don't care anything about going into that; he was not nominated. A. I can explain that, but still it would not be any benefit to him because we thought he would not want —

Q. Do you remember having asked Mr. Grant to go with Mr. McCann to Mr. Bower's office at any time? A. Mr. Grant?

Q. Yes. A. I have a slight — I believe — I am not sure whether I asked Mr. Grant or Mr. Bowers; I think I asked Mr. Grant to ask Mr. Bowers; that was the —

Q. Did Mr. Grant go? A. I think I asked Mr. Grant to ask Mr. Bowers to go; I do not know whether he went or not; I am not sure; he said he would.

Q. Did you ever have any conference with Mr. Grant prior to the 1st of May, 1889, with regard to who his appointees to the municipal offices should be when he filled the office of commissioner of public works, police commissioner and fire commissioner? A. We have talked it generally amongst a few of us.

Q. Did you ever have any agreement with Mr. Grant as to who should be appointed to those offices? A. I never had an agreement with him at all; no, sir.

Q. Did you ever advise him to appoint anybody for those offices? A. I gave him my judgment on the men that I thought would be good men.

Q. Did he appoint the man who, in your judgment — A. Sometimes he would and sometimes he would not.

Q. Tell us any one of the commissioners of New York city who were appointed against your judgment? A. He appointed commissioners to-day that I knew nothing about the appointment at all.

Q. Who were they? A. For instance, Mr. Gallup of the park department — never knew that he was going in till he was put in.

Q. Any others? A. Well, I advised the appointment — we all did — of Mr. Gilroy; we thought he would make a good commissioner of public works.

Q. Mr. Martin, in the police department? A. Yes, sir; I thought Mr. Martin would make a good commissioner of police; I gave him my advice; I didn't get no promises, mind you; I just gave him my advice.

Q. Did you advise him to appoint Mr. Sheehy — Edward C. Sheehy? A. Yes, sir.

Q. That was the same Mr. Sheehy who was interested in this transfer? A. Yes, sir; Mr. Sheehy was a candidate for that place, looked for it, and wherever I saw that we could pick out Tammany Hall men and put them into an office, I advised it, if he was a good man, at all times.

Q. You did not expect Mr. Grant to appoint anyone but Tammany Hall men, did you? A. No; I thought —

Q. There was a preference between Tammany Hall men, was there not? A. I felt that if we could pick a man out of our organization — a good capable man, we were in duty bound to do it; he was elected on that doctrine, on a triangular fight, and the people in New York expected that from him.

Q. Did you ever have any talk with Mr. Grant, or advise Mr. Grant about any of the civil service board here? A. No, sir; I never had a word to say about civil service.

Q. Were you ever consulted by anyone about the appointment of Mr. Ackerman as the secretary of that board? A. I don't remember; no, sir.

Q. Or. Mr. Phillips? A. No, sir.

Q. Or Mr. Beardsley? A. No, sir; I don't remember anything about that; those matters I had nothing to say about at all.

Q. Mr. Croker, you have, from time to time, have you not suggested to a great many commissioners in New York, the appointment of a great many men, have you not? A. Yes, sir; I have.

Q. And a great many of the men now in the service have been appointed at your request, have there not? A. Yes, sir; there has; a great many.

Q. And you are perfectly willing, I suppose, to assume the responsibility for all the men who were appointed on your suggestion? A. Yes, sir; every one of them.

Q. And that is true of all the men who were appointed as excise commissioners on your suggestion? A. Yes, sir; I will assume everything that I have recommended; I am willing to assume it; if they have turned out wrong it is not any fault of mine.

Q. Did you recommend Delmar be appointed, for instance, by Mr. Grant when he was sheriff? A. Yes, sir; I did, and I would recommend him again for any other office.

Q. Did you recommend that Mr. Gilroy appoint Mr. Barney Martin as commissioner of public works? A. Did I recommend him?

Q. Yes. A. Yes, sir; I said I thought it would be a good appointment; I didn't object to it.

Q. You thought it would be a good appointment? A. Yes, sir.

Q. Do you know what his antecedents were? A. Yes, sir; I know all about him, I think.

Q. Did you know whether he had ever had any experience in the conduct of a great public office? A. I believe he is a good appointment now—very good.

Q. Did you ever know whether he had ever had any experience in the conduct of a great public office? A. In what?

Q. Experience in the conduct of a great public office? A. Well, he had some experience in the sheriff's office.

Q. Did you know what his experience in the sheriff's office was? A. No more than he was—

Q. Did you know his part of the experience in the sheriff's office was illegally collecting money from Mr. Franklin?

Mr. Cockran.—That is objected to.

The Witness.—I didn't know that.

Mr. COCKRAN.— We have the decision of the Supreme Court that he was not.

Mr. IVINS.—It was not. It is in evidence here—

Mr. COCKRAN.—It is not in evidence here.

Mr. IVINS.— Mr. Franklin has sworn directly and it has not been denied here, and all that was found on the indictment was that the indictment was not good because it was outlawed.

Mr. COCKRAN.— That is absolutely untrue, and Mr. Ivins can have no knowledge of the fact for he was not present. I argued it and know whereof I speak. He was indicted for that act as a crime and on a demurrer that it did not constitute a crime, the demurrer was sustained and the demurrer is of record now. There was an attempt made afterwards by the district attorney to get from the judge an expression of opinion as to whether it would not have constituted a misdemeanor if the statute of limitations had not run, and the judge declined to express an opinion. But the records of the court show that that was no illegal act.

Mr. IVINS.— If we enter into an argument of that it is going to take us a long time. Mr. Franklin has testified in terms that he paid this money for this man, and I ask Mr. Croker if he knew at the time that Mr. Martin had taken that money or any sum of money from any man, Mr. Franklin or anybody else?

The WITNESS.— When did that occur?

Q. Occurred during the time that he was one of the officers in the sheriff's office — order of arrest department? A. I didn't know of it.

Q. Did you ever know of Mr. Martin having had any administrative office or experience in any administrative office in New York city? A. Not prior to that; no, sir.

Q. Did you know at the time that you recommended Mr. Martin for that place, that in the absence of the commissioner of public works he would become acting commissioner? A. Yes, sir.

Mr. IVINS.— That is all.

Mr. CHOATE.— We have no further questions to ask.

Senator MCNAUGHTON:

Q. What was Mr. Sheeby's business at the time of that negotiation for the real estate; was he in the real estate business? A. Yes, sir; he was in the real estate business altogether.

Q. That was his business? A. Yes, sir.

Q. How long had he been in the real estate business? A. Oh, he has been all his life time; he has made all his money in real estate, and he is a very shrewd man, and he is here in the court room.

Q. Mr. Croker, did you know of any manufacturer of cement at Newburgh or anywhere along the river, that would be interested in any contracts for cement for public works here at any time? A. No, sir; I did not; none at all.

Q. There was nothing to that matter? A. Nothing to it at all.

Q. No conversation? A. Not the slightest.

Mr. CHOATE.—Mrs. Croker has requested of the committee leave to take the stand and make a statement, and by your leave I will ask her a few questions.

Senator MCNAUGHTON.—There is not any objection at all.

Mrs. ELIZABETH CROKER, sworn by the chairman, testified as follows:

By Mr. CHOATE:

Q. Mrs. Croker, when did you become the wife of Mr. Croker? A. I believe '73.

Q. And since that time you have lived together and have had how many children? A. Nine.

Q. Of whom six, I believe, are living; Mr. McCann has testified that when Mr. Croker went to Europe in the spring of the present year, he left his finances in such a way that his wife, yourself, could not get along, and that he, McCann, was, therefore, paying your bills from day to day or from time to time; what do you say to that? A. I say that is not so; decidedly not.

Mr. IVINS.—Will you be good enough, in asking that question, to read the evidence as given? My recollection is that that was not Mr. McCann's statement.

Mr. CHOATE.—I will.

Q. It is page 73-5; I read: "He left his finances in such a way that his wife could not get along. I am paying her bills, so that she could keep the few dollars that he left her in such a way that if the worst came to worst, I could stand by her. Q. That has only been going on, Mr. McCann, for the last two months? A. Oh, yes, it has been going on longer than that." Is that true, Mrs. Croker? A. No.

Q. What provision did Mr. Croker make for your expenses when he went away? A. Well, is that necessary for me to answer?

Q. Well, you have heard his statement? A. Well, I think that has been going into family matters entirely too much, and I decline to answer such a question; I do not see why it is anybody's business what Mr. Croker left me.

Q. Was the arrangement that he left you satisfactory? A. It was satisfactory; I don't see what that has to do with the committee here at all; I didn't know that the committee were brought here for th

purpose; I thought it was for other purposes — not to investigate my family and household affairs, which, I think, is very much out of place; it seems to be their object and nothing else.

Q. Mr. McCann has stated that between three and six months after December, 1884, he mentioned to you the fact that Mr. Croker had come to him in December with a satchel full of money — $180,000 — and you told him that you remembered that about that time Mr. Croker brought such a — or a large amount of money home and it was put in the bureau drawer; that you watched them; what do you say to the truth of that statement? A. The first I knew of that was what I read in the papers during this investigation; that was the first intimation that I knew of any such thing.

Q. There was no such statement made by you to him or no such fact? A. No such statement.

Q. Mr. McCann has stated that Mayor Grant, in his presence, told you that if it had not been for Croker's advice he would have been implicated in the Broadway business? A. In his presence, did he say?

Q. In Mr. McCann's presence? A. No, sir.

Q. Did Mr. Grant ever say any such thing or anything to that effect in your presence? A. No, sir.

Q. Did you ever state to Mr. McCann that you had watched the money or any money for Mr. Croker? A. No, sir.

Q. Mr. McCann has testified that you had said that Mr. Grant, while sheriff, and in the first or second years of his holding that office, had presented to your daughter the sum of $25,000; did you ever make such a statement as that? A. Pardon me; I didn't —

Q. You probably did not catch the question; McCann has stated that you said that Mr. Grant, while he was sheriff, and during the first and second years of his holding that office, had presented to your daughter the sum of $25,000 in five sums of $5,000 each? A. Mr. McCann said that I told him so?

Q. You so stated? A. Mr. McCann is mistaken.

Q. Did you ever make any such statement? A. No such statement.

Q. Was there any such fact? A. No such sum.

Q. You have heard the evidence of your husband as to the two sums of $5,000 each; have you not? A. My answer is the same.

Q. That is, that his statements as made are true, to your recollection? A. His statements, the same, are true.

Q. Do you know the fact that when this $10,000 was invested in the One Hundred and Forty-eighth street property — well, in this property

that Mr. Croker has described — he simultaneously sold his White Plains property and received $7,000 for that? A. Yes, sir.

Q. Did you know of the investment at the time of this $10,000 for your daughter in this property that was purchased in the name of your mother? A. Yes, sir.

Q. And you approved of it? A. Yes, sir.

Q. Had it been the subject of discussion between your husband and yourself before that purchase was made, how the money that Mr. Grant had given your daughter should be invested? A. Between Mr. Croker and myself.

Q. Yes. A. Before Mr. Grant gave it?

Q. No, no; before it was actually invested. A. Yes, sir.

Q. After the money came from Mr. Grant and before that property was purchased? A. Yes.

Q. Now, what had passed between you and your husband about it? A. Just the same as Mr. Croker has repeated.

Q. That was that you should look out for a good real estate investment in which to put it? A. Yes.

Q. It seems that you had some objections to other securities or putting moneys in banks? A. Yes.

Q. Did you so state to Mr. Croker? A. Yes, sir.

Mr. CHOATE.— I think that is all, unless there is some other subject, Mrs. Croker, on which you wish to say something.

The WITNESS.— No, sir.

By Mr. BOARDMAN:

Q. Mrs. Croker, your relations with Mayor Grant have always been friendly, have they not? A. Very.

Q. Have you ever had a conversation with Mayor Grant about his obligations to Mr. Croker, politically or otherwise? A. No, sir.

Q. Did Mayor Grant ever say to you that he was indebted to Mr. Croker for any political kindnesses or advice or anything of the sort? A. Not particularly.

Q. Well, do you remember—do you not remember that Mayor Grant was frequently in the habit of expressing his sense of obligation to Mr. Croker as a friend, as a political friend? A. Not particularly; no.

Q. You do not remember anything in particular upon that point? A. I do not remember; because whenever any — as far as I was concerned there were very little politics discussed; whenever we spoke we spoke of other things altogether and nothing in the way of poli-

tics, so that answers that whole question — neither between my husband or myself or any outsider.

Q. Do you remember, Mrs. Croker, what you did with the first $5,000 after you took it from your child? A. I do.

Q. What did you do with it? A. I kept it.

Q. Was there any safe in the house at that time? A. I think there was.

Q. Do you feel sure about that? A. I am pretty positive, yes; if there was not, I kept it until we did get the safe, but I am pretty sure the safe was there.

Q. And you retained the custody of that money until it was finally invested; that is true? A. Yes, sir.

Q. And when it was invested were the identical bills paid to the owner of the property? A. Yes, sir.

Q. You kept those identical bills in the envelope in your custody until they were finally turned over to the owner of the property; is that correct? A. I did — it is.

Q. Now, at the time that this investment, this real estate investment was spoken of, did Mr. Croker explain to you why he wanted your mother to act in the matter? A. I explained to him, because I said I thought she knew more about property than what we did, and then Mr. Croker has fully explained why we had mother — and that is also my explanation.

Q. Did you have any conversation with your mother about this money having been given to your daughter? A. I certainly did.

Q. At the time it was given? A. Not right then; no.

Q. Well, when this investment was made, did you have any conversation with your mother about the fact that your daughter's money was being put into this property? A. Not particularly.

Q. Then your mother was not aware whether this property was to belong to Flossie or to belong to Mr. Croker, or to belong to you, was she? A. Well, I do not think we mentioned that particularly to her; we didn't think it was of any consequence, of course.

Q. You do not think it was a matter that she really had anything to do with? A. No; nor that she wanted to have anything to do with.

Q. Or that she cared to have anything to do with? A. No.

Q. Well, as matter of fact, did you mention to anyone the fact that your daughter's money was ever put into the property, other than your husband? A. No, sir.

Q. So that the only persons who knew the fact that your daughter's money was being put in that property were your husband and yourself? A. Yes, sir; decidedly.

Q. That is correct; was any of your daughter's money put into the house in which you live? A. No, sir; we always had means to get a home for ourselves without using that money; therefore, we invested that money as Mr. Croker has explained to you; it is hardly necessary for me to explain, as I consider his word his oath, at all times; whatever he says you can rely on; so, therefore, my answer is the same.

Q. Did you, at any time, have a discussion with him about the interest of your daughter Flossie in the house in which you live? A. No; any interest in the Mount Morris house where we are at present?

Q. Yes. A. Not at all.

Q. You never claimed that she had any interest? A. No.

Q. Did you ever claim that she had any interest in any property except this piece that he spoke of? A. Only the One Hundred and Forty-eighth street; that was all.

Q. That is the only money that was ever given to her by anybody? A. That was the only money — or given to any other child.

Q. Or given to any other child; there never was any discussion between yourself and your husband about her having any interest in any other property except that? A. That is all.

Q. You remember Mrs. Croker, when Mr. Leicester Holme called at your house, as he testified — you remember the circumstance, do you not? A. Yes.

Q. And the conversation; did he, at that time, say anything to you about providing any money in the event of your making up your mind to go to Europe? A. Any further than he said he would get my tickets and state-room, as he did Mr. Croker's.

Q. And that was all that was said about it? A. That was all.

Mr. Choate.— That is all that we have to offer to-day. We express our great obligations to the committee for giving Mr. and Mrs. Croker this opportunity to be heard. I know it has been a great inconvenience to the members of the committee personally.

Monday, 10.30 A. M., *October* 6, 1890.

Present — Senators Fassett, Deane, Stewart and McNaughton.

Mr. Ivins.— If the committee please, I have subpœnaed a number of the inspectors in the excise department, and I have subpœnaed the commissioners, so that the investigation of the excise department might be taken up where we left it off, and I am in hopes, if the commissioners testify, that we may be able, during this present week, to close up definitively the investigation of that department. Looking to that end, I met one of the counsel for the commissioners on Fri-

and I then understood that the commissioners were willing to testify and not to plead the bar of the pending indictment, in the event of its being stipulated between the committee and counsel that no question would be asked them bearing upon the particular matters concerning which they have been indicted. And inasmuch as that proposition had been made at the outset, and inasmuch as it would be highly indecorous to ask any such question, I said that I did not suppose for a minute that either the committee or myself would want to trench upon those matters.

Mr. JOHNSON.—I would like to say to the gentlemen of the committee that that was the understanding, except for Mr. Meakim for whom I do not appear; but so far as the understanding is concerned, and for Commissioners Koch and Fitzpatrick, I now desire to withdraw any reservation. They are in the hands of counsel to be examined about anything he pleases, and we shall not avail ourselves of any privilege.

Senator FASSETT.—That seems to dispose of the trouble.

Mr. IVINS.—That certainly will facilitate the work of the committee very greatly, because it will enable us to finish the work in this department before going into anything else.

Mr. JOHNSON.—Mr. Ivins kindly agreed with me on Saturday that the course he first suggested was perhaps the better one. I thought so myself; but on consultation with my clients I am perfectly willing and so are they, to answer any questions the committee chose to put, waiving all privileges.

Mr. IVINS.—I should have liked very much to have called Mr. Meakim, the president of the board, as the first witness, he being the chief official representative of the board as a board, but I have been unable to secure service of my subpœna on Mr. Meakim. It seems he is out of the city, and I have been unable to discover his whereabouts. That being the case, the next officer of the board, as a board, is the treasurer, and I will ask the treasurer of the board, Mr. Fitzpatrick, to take the stand.

EDWARD T. FITZPATRICK, being duly sworn, testified as follows:

By Mr. IVINS:

Q. Mr. Fitzpatrick, where do you live? A. Two hundred and fifty-eight Henry street.

Q. In what precinct is that? A. The seventh.

Q. In what Assembly district? A. The fourth.

Q. You are now one of the commissioners of excise? A. Yes.

Q. And how long have you been such commissioner? A. Since May, 1889.

Q. By whom were you appointed? A. By Mayor Hugh J. Grant.

Q. Are you now one of the officers of the board? A. Yes, sir.

Q. What? A. Treasurer.

Q. How long have you been treasurer? A. Since the day we organized.

Q. What other officers of the board are there besides treasurer? A. The president.

Q. Who is the president? A. Alexander Meakim.

Q. Commissioner Koch is not one of the officers of the board, but simply a commissioner? A. Commissioner.

Q. Now, Commissioner, will you describe to the committee, in the first instance, generally, as you yourself would prefer to describe it, without interruption, and as based upon your knowledge and experience, what the general organization of the board, its machinery and its methods of work are? A. Well, after the application has gone through its various stages, commencing with the application room and going down to the various clerks or inspectors, detailed as clerks, who have charge of the records; that is, to ascertain the character of the place, to ascertain the character of the man, and to ascertain whether there are any protests emanating from property owners, clergymen or other people who may be disposed to protest; after it has gone through all these phases or stages, it is then checked off by one of our clerks, Mr. Gale, who marks it with his initials, stating that there is nothing against the place, and then the paper is finally presented to the board for its action; after the application is made the inspector receives the paper and then makes an examination, and then if the inspector sets forth in his report anything that would arouse the suspicions of the commissioners, further inquiry is made from outside sources, and very often we call on the police captains of precincts to ascertain what they know of the character of the place or of the man, whether they know anything derogatory or detrimental to him; and not finding anything against the man, why we approve of the bond and the party is notified; I desire to state in connection with that, so that there may be no misunderstanding, that I do not set any store upon a place, for the reason that the place may be a very disreputable one, but a change of owners, or a change of applicants, will affect it, in my estimation, beneficially; for the reason that while a place may have been once a disreputable house, it may become a convent, or a monastery or a church, but I do not think such a place is affected.

By Senator Fassett:

Q. Have you ever heard of a disreputable house becoming a convent or a monastery or a church? A. I have heard of theaters becom

such; and I do not know why the others should not exist; I know of a place is now a mission house that formerly was a disreputable house.

Mr. JOHNSON.—The Cremorne Garden is now a mission.

The WITNESS.—I do not see how it can vitiate the place because it was formerly disreputable.

By Mr. JOHNSON:

Q. Do you know that the Cremorne Garden is now McCauley's Mission. A. Yes, sir.

By Mr. IVINS:

Q. Well, you had got down to the point where it having been discovered that there was nothing discoverable against a person, you thereupon approved of the bond? A. Yes, sir.

Q. Now, that does not include all the duties or functions of the board, does it? A. No, sir; not by a great deal.

Q. Tell us, in your own way, and in general terms, what the other duties of the board are? A. In case troubles occur, quarrels, shooting affrays, or anything of that kind, in places, or if it is charged that these places are the resort of women for soliciting, we then call upon the party to come forward, subpœna witnesses, make inquiries of the police, and ascertain from them whether the statements can be verified as to the improper or disreputable character of the place so charged; we have a great many complaints at all times from citizens and a great many disputes as to licenses, the parties holding a license asking permission to transfer and protests against the transfer emanating from property owners and brewers and interested parties; they protest against the transfer of the license; all those things we give very careful examination to as a rule; they are usually represented by counsel.

Q. Well, what else does the board have to do? A. Well, as far as I am concerned, my duties are to see that the amount of moneys collected each day, that I receive a certificate of that amount each day; there is an entry made in the book that I keep; the following morning I receive a statement from the bank showing that the deposits in the bank correspond with the statement of the amount of deposits made by the cashier up to that date; I feel that when we make all the examinations, go carefully over the papers, scrutinize the inspectors' reports, and hear those cases, the protests, etc., that it occupies the best part of our time for the day.

Q. Well, confining ourselves for the immediate present to your particular duties as treasurer, you deposit these moneys in the German

bank? A. Down underneath us; yes, sir; the cashier makes the deposits.

Q. But deposits for your account as treasurer of the board? A. Yes, sir.

Q. And I understand that those deposits are removed from that bank and the sums placed in the hands of the city chamberlain every month? A. Yes, sir.

Q. Have you any arrangement with the bank for payment of interest on a deposit? A. No, sir.

Q. Do you know that the city of New York has an arrangement — A. I beg your pardon; there never has been a proposition emanating from the bank or myself to that effect.

Q. Do you know that the city of New York has an arrangement with all the banks holding city moneys in conformity with which arrangements as made, every three months a rate of interest is agreed to be paid upon deposits?

Mr. JOHNSON.—Wait a moment. This is not city money. It is State money.

Mr. IVINS.— But this money ultimately goes into the city treasury.

The WITNESS.—I only have control of it for one month.

By Mr. IVINS:

Q. I wanted to find out whether there might not be some saving effected by making your deposit with the city treasury every week?

Mr. JOHNSON.— It does not go into the city treasury at all.

Mr. IVINS.—I do not think you can teach me about that; I had control of the city treasury for four years.

Mr. JOHNSON.— That is the very reason you may be taught about it.

Mr. IVINS.— This money is deposited with the city chamberlain. This is deposited to city treasury account and with other moneys of the city treasury account is deposited with the savings banks, and whether it belongs there or whether it does not belong there, it has the benefit of the interest rate paid by these banks on other moneys which go into that account.

Mr. JOHNSON.— I am not going to quarrel about it. I want to set you straight about it.

Mr. IVINS.— I simply wanted to find out whether these moneys which aggregate something over a $1,000,000 per annum could not by being deposited in the city treasury more frequently reap a revenue for the city.

The WITNESS.— I thought you asked me whether I had an arrangement whereby I was personally interested.

By Mr. IVINS:

Q. No; I asked you whether there was any arrangement at all betwe the bank and yourself to the effect that your account should have t benefit of a credit for interest on deposits? A. I hardly think that t bank would make any arrangement, for the reason that the moneys taken up every month from it.

Q. In view of the fact that as soon as that money is paid into t chamberlain, it is put into an account that does earn interest, do y know any reason why these moneys should not be withdrawn from t German bank weekly, for instance, so that it should reap the bene of the interest rate that accrues to the chamberlain's account? A. do not know of any reason why it should not be.

Q. Do you think that would be a good change to make, to have arrangement with that bank that this account should have the sa interest paid by other banks? A. I think that any arrangement th could be made whereby the taxes should be reduced and the ci benefited would be a good arrangement.

Q. Then I would recommend that as one of the means of doing to the extent of eight or $10,000 a year at least? A. I have not th power; the law says I must deposit the money, and it must be at t end of the month deposited with the city chamberlain.

Q. Does it say that it shall be kept in any particular place for t month? A. No, sir.

By Senator FASSETT:

Q. Does it say it shall not be held by you longer than a mont A. Yes, sir.

By Mr. IVINS:

Q. It does not say that it shall be deposited in any particular ban A. I prefer to make my own selection.

Q. Suppose you could withdraw that at the end of each week day, and deposit it with the city chamberlain and thereby give yo account the benefit of an average of two per cent interest? A. would be guided about that by the advice of the counsel of the boa and other counsel.

Q. Now, in the particular office that you occupy of treasurer, t cashier of the board, and the assistant cashier are peculiarly subo dinate to you, are they not? A. Well, I do not know that they any more subordinate to me than the rest of the commissioners, wi the exception that they have more consultation with me in regard the moneys deposited, etc.

Q. Who supervises their work, you, or the other commissioners? A. I do.

Q. And as treasurer, you would feel very greatly aggrieved if there were any irregularity or incompetency on the part of either of those officers, would you not? A. I would.

Q. I do not wish to intimate that there is anything of that kind, I simply asked the question for the purpose of fixing the relation between yourself and those officers? A. They are under bond, you know, Mr. Ivins.

Q. Who is your cashier? A. John McDonough.

Q. When was he appointed? A. I could not exactly state the time; it was some little time after we were appointed as commissioners of excise.

Q. Who had been cashier prior to that time? A. I think a man named Parkhurst.

Q. Did you ever hear any complaints made against Parkhurst, of any kind, because of incompetency or irregularity? A. No, sir.

Q. Do you think he was a man entirely competent to fill the place? A. I think he was.

Q. Had Mr. McDonough, the present cashier, any particular experience in this class of business which peculiarly qualified him for the place? A. I understood he had for many years.

Q. As what? A. Cashier of the Second Avenue Railroad Company.

Q. Who nominated Mr. McDonough for appointment; which one of the commissioners? A. I think Mr. Meakim did.

Q. Were you ever asked by any one other than Mr. Meakim to appoint Mr. McDonough? A. I think not; to the best of my belief, no.

Q. Have you had an opportunity to see the testimony which was given by Mr. McDonough here? A. No, sir.

Q. Are you familiar with the volume of work done by him and the class of work done by him? A. Generally; yes, sir.

Q. Why should not Mr. McDonough be able to do all the work of that office himself without an assistant? A. Well, for the reason that often times there is a great press of business there, a great many people seeking their licenses; they are in a hurry in many cases; in the majority of cases they defer coming for their licenses until pretty near the expiration of the time, and Mr. McDonough for several reasons might be absent; he has to get his meals and has to get his vacation, and at times it would take as much as the two of them could do to receive the moneys from the parties applying.

Q. Mr. McDonough testified as follows: "Q. How many entries a day are there during the busiest part of the season? A. Well, some-

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Q. Mr. McDonough testified as follows: "Q. How many entries a day are there during the busiest part of the season? A. Well, some-

times we run as high as a hundred and seventy-five. Q. These entries do not take over one line apiece across the page, do they? A. That is all. Q. So that the utmost amount of work, as incident to the entries, would be the entering of these 175 lines? A. Yes, sir. Q. Now, during the last part of the season, what is the poorest business day? A. Well, I think we average thirty-three a day during the whole year around. Q. So that there are some days you do not average over ten or fifteen? A. Very seldom that number. Q. Does the assistant cashier count the money and check it off? A. I count the money and he makes the entries." Now, is it your judgment, as treasurer of the board, that it takes one man all day to count the money that comes in there? A. No, sir; it would not take a man all day to count the money; but I think it is very essential to have the two men there, one to receive the money and the other to enter it.

Q. Why couldn't the man who counts the money enter it, in view of the fact that there are only 175 items in the busiest part of the year, and the poorest part of the year there is much less, so that the average is about thirty-three items a day? A. The pressure of business and the desire of parties to get out the licenses would require the aid of two men, the work of two men.

Q. If you were running a private business in which you receive 175 cash payments every day, each requiring the entering of a single line, that at the poorest part of the year, and during the greater part of the year not receiving over thirty-three, each requiring the entry of a line, would you, as the head of a private business, employ two men to do that work? A. I would.

Q. How much do you pay these two people? A. I think McDonough is paid $3,000 a year; I am not sure; I forget now; I think it is 3,000; and I think the other man is paid somewhere from 2,000 to 2,500; but in view of the fact that there is a probability of a loss occurring in the receipt of this money, I think it is proper and profitable to the city to have two men employed.

Q. Does one man check the other off in some way? A. How do you mean; check it off?

By Senator FASSETT:

Q. How is one a check upon the other; where does the security lie; why is it safer to have these two men rather than one man? A. Because one man can receive the money while the other is writing off the items; there is a great pressure there, and we are dealing with a class of people that might take advantage of the occasion and cheat the city.

By Mr. Ivins:

Q. Is the entry made before the money is counted and found correct? A. I presume it is.

Q. Do you say the entry is made before the money is counted an found correct? A. No; excuse me; I think not.

Q. Do these people occupy the same desk? A. Yes, sir.

Q. How does the cashier certify to the assistant cashier that the amount paid in is correct? A. Calls it off, I presume; I have heard them calling off one to the other during the day when I have been in there.

Q. These license fees only vary to the extent of four or five different amounts; is not that all? A. Well there is 250, 200, one, fifty, thirty.

Q. Why could not the cashier after he had counted the money and found it correct, simply make his entry? A. He could do it; yes; very well.

Q. What is the need of the other man, then, if the other man does not count the money?

Mr. Johnson.— I suppose you have an idea that the cashier never eats and never goes out.

The Witness.— I have stated that owing to several reasons the cashier might be called away, and it is essential to have a man there under bonds to remain as his assistant. It would not do, where I should be responsible for any deficiency of account, that some outside clerk should be called in to receive that money in the absence of the cashier.

Q. Is there any reason why you should not receive it in his absence? A. I do not think it is my duty to receive it.

Q. You are treasurer, are you not? A. Yes, sir.

Q. Would you think it was your duty to save $2,500 to the city which is paid for the mere fact of entering an average of thirty-three items a day?

Mr. Johnson.— Supposing you and I should discharge all our partners and all our clerks.

Mr. Ivins.— I do not think you would ever pay $5,500 for two men to do that particular business.

Q. How much is all the time we are talking about here? A. Well, from 9 o'clock in the morning until 4 o'clock in the afternoon.

Q. Have you anyone in your office who is sufficiently disengaged at certain times of the day and in whom you have sufficient confidence to delegate him to do this work while the cashier is getting his lunch? A. No; I would not care about placing anybody there unless he was under bonds.

Q. Does the assistant cashier do anything else? A. Nothing that I know of.

Q. Then you think it is fair to pay a man $2,500 a year to make an average of thirty-three entries a day? A. I do.

Mr. JOHNSON.—He only gets $1,800.

The WITNESS.—Well, it was only two or three days ago that I signed the pay-roll, but for all that I have forgotten what his salary is.

Q. Well, say it was $1,800, would it not be possible to put any other person under bonds than the assistant cashier? A. Very possible; yes, sir.

Q. Do you personally know the amount of time that is spent in the office by the cashier and the assistant cashier? A. In a general way, I do.

Q. Well, they are there during the entire business day? A. Pretty much all, unless we excuse them, or sickness detains them at home, one or the other of them.

Q. Do you excuse them very often? A. No, sir; I do not think I have excused McDonough more than once or twice since he has been there that I can remember, unless he has been going off on his vacation.

Q. Who checks McDonough's account of the cash? A. I have just stated as far as the checks are concerned, that they check them with each other; the cashier prepares his statement, submits it to the chief clerk, and from there it is brought to my desk nightly, and every day or two—I have a book there in which Mr. McDonough writes up and makes a statement of the daily receipts, showing the dates when the amounts were received, and the following morning, each morning, there is a statement comes from the bank to me, showing what our deposit was the day before, and what our balance is in the bank.

Q. You check the slip showing what the daily deposit was with the entries in the book, so as to check off the cash? A. I go over that with McDonough; yes, sir.

Q. Who makes the deposit at night, McDonough or his assistant? A. I think McDonough does; yes, I am pretty certain; he always has, unless he is absent.

Q. Before making the deposit, does he take any steps to see that the amount about to be deposited corresponds with the amount of entries made by the assistant cashier? A. Yes, sir, he does; I am informed; I have been there and seen them do it; I do not see them every day, but I have seen them do it.

Q. I now, Commissioner, want to take up the list of employes in the department, and have you explain to the committee generally what their duties are; Edward Brown, who is he? A. Counsel to the board.

Q. What are his duties? A. To instruct the board as to how they shall proceed in accordance with the law. If any doubt arises at any time on any question of law coming before the board, why we submit it to the counsel; he appears for the board in case of parties carrying their cases to the court for mandamus or anything of that kind; he attends to the matters for the board; all the legal matters, in fact, connected with the board he attends to.

Q. Well, let us take the first item; in what class of cases does he advise the board? A. I think he would advise them in regard to appointments, as to how far the civil service law affects the appointment or removal; at least, as far as the board had power in the appointment or removal of men.

Q. What would he advise you about that? A. He has read the law to us, and advised us in a civil service matter that we had the right to appoint and remove under non-competitive service.

Q. Do you understand that you have a right to appoint and right to remove without competition on the part of the applicants? A. Yes, sir.

Q. When did you get that advice? A. Well, very recently he advised us in regard to it; if I recollect, when we first came in we consulted him in regard to it.

Q. And you then proceeded to act on that advice? A. Of course, we made removals; yes, sir.

Q. Now, how large a proportion of the entire staff have you changed since you have been in the office under this particular board? A. That I could not tell you, because the matter was generally left with President Meakim to make any removals and appointments, the other members consenting; he would simply state, "I have requested such and such a person's resignation, and I desire to appoint somebody else in his place," and we would concur; at least I would, as a rule.

Q. Did you never request him to ask some one to resign? A. I think not; I do not remember it; I might have.

Q. Did you never suggest that a certain resignation would be a good thing? A. I might have; I do not remember.

Q. Did you ever, directly or indirectly, suggest a change in the staff? A. I might have; yes, sir.

Q. Do you remember any cases in which you did it? A. I do not; probably you could recall one to me.

Q. Do you recollect any specific instance in which you suggested a change in the staff? A. I do not; I hardly think I did; I may have.

Q. Have you ever discussed with any of your fellow members the propriety of any changes in the staff? A. Yes; I have frequently at

times when the matter was presented to the board, where he said he thought that somebody ought to be requested to resign.

Q. When you went in did you take it for granted that everybody on the staff was fit and competent and admirably selected to do his work? A. I did not; I knew that some of them were not.

Q. What, as a matter of protection to yourself and as a matter of duty to the city, did you do, for the purpose of discovering the ability and character of the staff as you found it? A. I do not know that I made any particular inquiry; I know that when I went in there I was told that the board had been a very rotten affair and they thought we ought to clean it out.

Q. Did you clean it out? A. I think we did.

Q. Well, when you cleaned it out, what sort of a broom did you sweep it out with? A. A reform broom.

Q. A reform broom; where did you go for your reform material, to Tammany Hall? A. Yes, sir; to Tammany Hall.

Q. Did you appoint anybody who did not come from Tammany Hall? A. I think some men have been appointed who were not recommended by gentlemen from Tammany Hall.

Q. Can you remember them? A. Yes; I remember one case; now I will tell you, counsel —

Q. If you remember one, may be you can tell us another; I would not like him to be lonesome? A. I would like to be permitted to answer your interrogatories; I know of judges who have recommended the retention of men, and I would not say positive, but I think judges have recommended men.

Q. Let us know who those judges are; it is one of the things we want to find out? A. And then again I think that Mr. Fish recommended a man.

Q. Mr. Fish? A. I think so.

Q. Was that done in behalf of reform? A. I presume it was; he is a Republican.

Q. Mr. Hamilton Fish, Jr.? A. He is a Republican.

Q. Did his man get appointed? A. He did.

Q. Who was his man? A. Well, now, I am not quite sure of that; I could not tell you; probably Judge Koch or Mr. Meakim can tell you, but I am pretty certain we appointed the man.

Q. When did he get that man appointed? A. I think, if I am not mistaken, if you will permit Mr. Bishop to correct me — I think it was Delano, was it not?

Mr. BISHOP.— Yes.

The WITNESS.— And from all I hear he makes an efficient inspector.

Q. He is an inspector? A. Yes, sir.

Q. When was he appointed? A. Some time during last summer, a year ago; five or six months after our own appointment.

Q. There was one man then who did not come from Tammany Hall, and he came from Mr. Fish; what other man was appointed who did not come from Tammany Hall? A. Well, I can not remember them, because in talking the matter over, I do not know that Tammany Hall was ever mentioned by President Meakim.

Q. Do you remember who was chief inspector when you went in? A. I am inclined to think it was a gentleman named Tomlinson.

Q. Did you ever hear anything to the effect that Mr. Tomlinson was not competent and capable of filling the duties of the office? A. Not that I know of; never heard the inspectors that served under him comment very severely upon his methods.

Q. Tomlinson was removed? A. Yes, sir.

Q. And David Hirsch was put in his place, was he not? A. No, sir.

Q. Who? A. I think a man named Duncan.

Q. Was not Hirsch chief inspector, and does not Duncan do his work, and is not that the way you have got things mixed up? A. I think I have stated it correctly.

Q. I think you will find that Hirsch gets the pay, and Mr. Duncan does the work? A. I have stated that Duncan was chief inspector.

Q. Who was Mr. Duncan? A. Formerly an attache of the register's office.

Q. What had he been previous to being an attache of the register's office? A. I do not know what he was prior to that; I do not know anything about his private life, except I know by trade he is a house carpenter, and a good mechanic at that.

Q. Is he an equally good chief inspector? A. I think he makes a good chief inspector; I do not know that we could have a better one.

Q. How do you know whether he makes a good one or not? A. We have never had any complaints from the inspectors; I understand he distributes the work equally, and if he knows of any wrongs done by the inspectors, he brings the matter before the board.

Q. Would you expect the subordinates of Mr. Duncan, the inspectors, to be the men to whom to look for complaints against Mr. Duncan? A. I do not know where they would otherwise emanate from, because he does not come in contact with the applicants for licenses as the inspectors do.

Q. Is it part of the experience of your office that subordinates are the proper complainants against superiors, or that superiors are the proper complainants against the subordinates? A. I made the state-

ment that he makes complaints against the inspectors if there is any necessity.

Q. You have heard of a place called Gombossy's? A. Yes, sir.

Q. You have heard of the Sixth Avenue Hotel, have you not? A. Yes, sir.

Q. And they both had licenses, had they? A. Yes, sir.

Q. Would you, as a commissioner, consider that the chief inspector had done his duty who had not so far supervised the work of the inspectors as to practically put you in possession of all the facts, so as to enable you to have withheld licenses from those two places? A. I think he would be neglecting his duty if he had heard anything against those two places and not informed the board of it.

Q. Is it his duty to find out anything about it? A. I think he accepts the reports of the inspectors as being correct, they being the responsible people.

By Senator FASSETT:

Q. You mean he never goes behind the reports of the inspectors? A. I do not know what conversation he may have with the inspectors from time to time, in relation to certain applications; he may call them and say: "Now, here, how about this place, or about this man;" I do not know anything about that; as far as Gombossy's place is concerned, there is nothing against Gombossy's place; it is an open place; open day and night; wide open; anybody can see in there.

By Mr. JOHNSON:

Q. Would it be possible for the chief inspector to go over those 8,000 inspections that are made in the course of a year? A. No, sir.

Mr. IVINS.— As I said, I want to return to that when we take up these matters in detail, because, if possible, I want to keep the investigation under titles.

Mr. JOHNSON.— I understand there are 14,000 inspections, instead of 8,000.

Mr. IVINS.— The figures are not part of the testimony, and there is an inaccuracy there. We have got actual figures already in the record. We digressed because we were talking of the advice which counsel gave the board, and the fact that the appointment could be made without competitive examination.

Senator FASSETT.— You were asking what the duties of counsel were, and what the necessity of counsel was, looking to the question, I suppose, whether the corporation counsel could not furnish all the legal lore the board wanted.

Mr. IVINS.— We will come to that in a more specific way.

Q. But the advice being given that you could appoint without competitive examination; will you tell the committee what examination or inquiry the board itself makes as to the ability and character of the men whom it has appointed? A. Well, I have generally questioned those parties that have recommended them as to whether they were honest and if they deemed them competent.

Q. Who has ever recommended anyone to you? A. I think most of the Tammany Hall leaders have recommended men.

Q. And have you secured the appointment of men for most of the Tammany Hall leaders? A. No — most of them, yes; not all.

Q. Have you secured any appointments at the request of Mr. Croker? A. I presume a great many were made at the request of Mr. Croker; I want to say now, counselor, that in all those matters that the parties dealt directly with the president; they made their request upon him and he submitted the matter later on to the board, and I, as a Tammany Hall man, knowing that they came from Tammany Hall, believing them to be correct and proper men, voted for their appointment.

Q. Is a membership in Tammany Hall a *cachet* to their correctness? A. As a rule it is fair to presume they are as good as any other organization.

Q. If a man came from Tammany Hall would you push any particular inquiry, or subject him to any particular examination? A. I think I would to protect myself.

Q. In all cases have you done so to protect yourself? A. I have in most every case; I have inquired if the men were competent and honest.

Q. Will you tell us a specific case? A. To cover the ground, I say the whole of them, pretty much; I do not think there is a man appointed there or recommended that I have not inquired about, whether he was competent and honest.

Q. You appointed Mr. Bishop, the secretary of the board? A. Yes, sir.

Q. Mr. Gale occupied that position prior to Mr. Bishop, did he not? A. Yes, sir.

Q. Did you find any fault with Mr. Gale? A. No, sir.

Q. Is he still in the office? A. Yes, sir.

Q. When Mr. Gale was removed from the secretaryship, what position was he given? A. He was given a position where he takes the applications and goes over them carefully and sees that there are no protests, and sees that all the other clerks, the various stages through which the paper has gone, that they have made correct

reports; makes inquiries of different inspectors detailed there for that purpose.

Q. Mr. Gale has testified before this committee very intelligently and with a great deal of lucidity? A. So I understand.

Q. Do you regard him as one of the most competent men you have got? A. I do.

Q. Do you think there is any man in the board that can do the work that he does any better than he? A. I think there are men in the board that can do what he does.

Q. I say any better? A. No better; no, sir.

Q. From the point of view of the public service alone then, what was the reason why Mr. Gale was removed from the secretaryship and Mr. Bishop put in? A. I presume because Mr. Gale had been appointed by the opposition party.

Q. It was then a pure question of patronage? A. A pure question of adherence to party.

Q. Adherence to party? A. As long as we were getting a competent man to discharge the duties.

By Senator FASSETT:

Q. Other things being equal, a Tammany Hall man deserves the position? A. Well, certainly, just the same as you would do, Senator, with the Republicans.

Senator FASSETT.—I have not had the same chance, although I am a good party man.

The WITNESS.—If rumor speaks the truth, from what I hear, you have had opportunity enough in your own district to manifest your partisanship.

By Mr. IVINS:

Q. That rule has prevailed in regard to all appointments you have made, that other things being equal, members of your party should have the preference? A. No, sir; men are retained there now, very competent men, and have not been removed.

Q. Do you know how many of those that have been so retained have since you been in joined Tammany Hall? A. I think some five, or six or seven.

Q. The majority of those who have remained have joined Tammany Hall? A. Oh, no! pardon me a moment; if you desire to get intelligent answers, put your questions in fractional parts; when you spoke of Tammany Hall I was thinking about those men who had been retained, not about joining Tammany Hall; that I do not know anything about.

Q. Well, you might have answered that before? A. I do not know anything about that.

Q. It seems it was your own thinking that brought your trouble about?

Mr. JOHNSON.— It is to be hoped that they will experience a change of heart and come in.

Mr. IVINS.— With whom?

Mr. JOHNSON.— Tammany Hall; that is the place for them; I hope to get you there some day; you are on the borders.

By Mr. IVINS:

Q. The great majority of your staff has been changed, has it not? A. I presume it has.

Q. A number of men who are performing their duties there, however, like Mr. Gale and Mr. Gildersleeve have been kept there? A. Yes, sir.

Q. But reduced to an inferior position and given smaller pay? A. I do not know that Mr. Gildersleeve has been reduced.

Q. My recollection was to the effect that his salary had been reduced, do you recollect? A. No, I am not clear; I think he retains the same position that he formerly did, as far as I know.

By Senator FASSETT:

Q. I understood the commissioner to testify that Mr. Gale's duties were substantially those of chief inspector; what does the chief inspector do? A. No; it is different; he goes around and details the clerks; Mr. Gale supervises all the records that exist in the office relative to places and persons.

Q. Then the chief inspector apportions the work and Mr. Gale sees that it is well done? A. Apportions out the work to the inspectors, gives them their daily amount of work to go and attend to; then they make their return to him and then it passes out of his hands and goes through these other stages around the office to the various clerks.

By Mr. IVINS:

Q. To come back to the matter of appointments; has the board made any rules whatever in regard to the extent which an examination or investigation should be made of the character and qualifications of applicants? A. Unless it may be the fact of referring the matter to the civil service board to be examined there.

Q. The board officially nominates a candidate to the civil service board, does it not? A. It sends the name of any person who makes an application to the civil service board.

Q. Do you send the name of any one? A. I have; if any one makes an application to me, whether I knew him or not I forward his paper to Albany.

Q. Well, it has been sworn to here that the examination by the State civil service examiners was not a competitive examination? A. It is not.

Q. Now, if you have sent everybody's name up and everybody has an equal chance for examination, how do you account for it that nobody but Tammany Hall men and friends of Mr. Fish get into the department? A. You will have to ask the civil service board about that.

Q. Has the civil service board ever certified back to your board more than one name at a time? A. I think they have two or three names at a time.

Q. Was not that when there were two or three vacancies to fill? A. I think it was.

Q. Have they ever certified back to your board two or three names when there was only one vacancy? A. I do not remember.

Q. Is it not a curious coincidence that notwithstanding the operation of the civil service board that this thing should all fit in so nicely with the desire to take care of your party? A. It may be.

Q. How do you account for it? A. I can not account for it; you will have to ask the civil service board; I know there is no understanding between the board of excise and the civil service board in regard to anything of that kind; that I know so far as I am concerned individually.

By Senator FASSETT:

Q. You know that the civil service board does not operate to prevent your appointing whom you wanted? A. No; nor there is no understanding as far as I know between the board and the civil service board that they should reforward back any name.

Q. But whether there is or is not any understanding, it does not operate as any bar to the fulfillment of your wishes? A. No; I would appoint a Tammany Hall man in preference to a Republican.

Q. That you have said once and that will answer for all time; I say the civil service board does not interfere with your appointing whom you choose? A. No, sir.

By Mr. IVINS:

Q. What, in your judgment, as a commissioner of excise, is the value of the civil service board then? A. I do not know that there is any.

By Senator FASSETT:

Q. A useless piece of red tape? A. I think the members of the board would sit down and examine a man in regard to qualifications, etc., with much better result than the civil service board.

By Mr. IVINS:

Q. You are held responsible for the acts of your subordinates, are you not? A. I do not think so.

Q. You have power of dismissal and removal? A. Yes, sir.

Q. Suppose it was shown that there was carelessness on your part in the appointment of a cashier, suppose that cashier should disappear with the public money, do you believe that you would be responsible? A. Yes, sir; as treasarer of the board, I think I would be responsible.

Q. You would hold yourself morally responsible, whether you were legally or not? A. Yes, sir.

Q. And any honest and intelligent man would? A. I hold myself morally responsible, notwithstanding the fact that the two cashiers are under heavy bonds; I believe the public at large would believe that I was in some way dishonest if the cashier or assistant cashier took away all the moneys and got off with them.

Q. Do you not think if you yourself were to be morally responsible in that way that the board itself ought to advise itself independently of the civil service board as to the qualifications and character of its appointees? A. Now, you are speaking of its appointees; you were speaking a little while ago of the cashier.

Q. The cashier is one of them? A. I am frank to say that if I was in a private business, and doing a million dollars worth of business a year, I would appoint John McDonough cashier without a dollar of bonds; that was the point.

Q. The civil service board can not relieve you from the responsibility for the acts of your subordinates? A. No, sir.

Q. Then you hold yourself morally responsible for the acts of your subordinates; do you not? A. I do to a certain extent, as far as the money is concerned; understand though, that if the inspector does wrong in his district, I do not hold myself responsible for that.

Q. Suppose he does wrong in his district and you found it out? A. I will discharge him.

Q. And nevertheless do not hold yourself responsible? A. I am responsible to discharge him; it is my duty to discharge him, and I would do it.

Q. Have you seen the testimony, or heard directly or indirectly of the testimony of some of your inspectors before this committee? A. I have heard it in a casual way, but I did not pay any attention to

Q. Have you taken any steps to investigate the particular matters referred to in the testimony? A. One thing; one case, sir.

Q. What was that? A. Where you made a charge against a man having been a convict; we investigated the matter thoroughly.

Q. What happened? A. We retained him.

Q. I introduced here a certificate of his having served a term in State prison? A. Yes, sir; so I understand.

Q. The only thing that you investigated was as to the truthfulness or untruthfulness of that certificate; was it? A. Yes, and as to the standing of the man at present in his community and from the time he was pardoned by Governor Tilden.

Q. And you found him to be of good standing and allowed him to remain? A. Yes, sir.

Q. What have you done about the men who have been examined here, not with regard to having some time in the distant past been in State prison, but as to the manner of doing the actual work as your inspectors, anything? A. Those men that were examined here.

Q. Yes. A. Nothing.

Q. Have you taken any steps to find out whether the inspector who reported favorably on Gombossy's place was delinquent or not? A. I was satisfied that he reported just as I would have reported myself.

Q. Has the board done anything about it as a board? A. About what, the inspeccor?

Q. Yes. A. No, sir.

Q. Have any steps been taken to inquire as to why the inspector who reported on the Sixth Avenue Hotel did not conduct his examination differently? A. No, sir; I thought he conducted it properly.

Q. Well, we will take that up more in detail in a minute; we will go back to the position that you left; the question was whether you as a commissioner hold yourself morally responsible for the acts of your subordinates? A. The cashier and the deputy cashier I do, in regard to the keeping of the money.

Q. As to the chief inspector and deputy inspectors? A. To this extent, if there is any complaint made, or if I ascertain they are doing wrong, I will have charges against them myself, or call for an investigation of charges, and if proved, will move for their dismissal.

Q. Have you ever asked for investigation of any charges against any inspector? A. Yes, sir.

Q. Who? A. Oh, I think five or six charged with soliciting money.

Q. Were they men whom you appointed or had been appointed by your predecessors? A. Some appointed by our predecessors and some appointed by ourselves, and were removed.

Q. State if you know any appointees that you removed? A. I could not remember the names; I think there were five or six; one I think was named Brady; I could not remember the names exactly; one was named Quinn.

Q. In view of your answers, is there any reason why your board itself should not for its own protection establish some system for an examination of the qualifications and character of applicants for appointment? A. I do not think there is, as long as the State has provided a civil service board to ascertain those facts.

Q. Do you regard the civil service examination as being conclusive as to a man's ability and qualifications? A. As to his ability and qualifications, most undoubtedly; as to his honesty that is something to be found out.

Q. Do you know what the civil service examination is? A. I can form an idea of it.

Q. What is your idea of it? A. Whether a man is able to read and write; whether he is able to do the rudimentary rules of arithmetic; whether he is honest and sufficiently competent to perform the duties of excise inspector.

Q. If he is able to read and write, and, as you say, to do the rudimentary rules of arithmetic, does that, in your judgment, qualify him sufficiently to be an excise inspector? A. And nothing against his previous character; yes, sir.

Q. Can not a man be that and still not be very acute or intelligent as an inspector? A. I suppose so; many men occupy positions that they are elevated to by the people or by appointment, that are not very acute or very bright; probably I am not myself.

Q. I think you will do; when your cashier was appointed, how did he get appointed? A. By the board.

Q. Now, what investigation did you pursue? A. Simply inquired from the men that knew him for years as to his competency and as to his honesty.

Q. Your sole method then in regard to appointment has been to find whether somebody whom you knew spoke well of him or indorsed him; has that been all? A. That is all.

Q. That is all? A. I think in this case there was some inquiry made by the president or Second avenue people; I am not quite positive about it.

Mr. IVINS.—I wish to say, as a matter of justice to Mr. McDonough, the cashier, that these questions have not been aimed against him; that they have not been intended in any way to cast any reflection upon him, but that his case has been taken as a means for determin

ing generally the manner in which subordinates are appointed, and as one of the most important subordinates.

The WITNESS.—I don't think you could cast any reflection upon him; I think he stands equal to you or myself.

Q. You know how things are sometimes misreflected and misrepresented? A. As I say, if I were a private citizen, doing a business of a million dollars a year, I would put him in with entire confidence as to his integrity and honesty.

Q. In what particular regard do you think the character of the staff has been improved in comparison with the staff under your predecessor? A. I think in the appointments of some men in place of others, of course, those who went out I know nothing against positively, only from rumor and talk.

Q. Do you think that the improvement has been such that the manner in which the work is done is appreciably better than the manner in which it used to be done? A. It is fully as good.

Q. Do you think the changes have been such that you have more able, efficient and intelligent staff of inspectors? A. I have men I have more confidence in than I would in the others.

Q. As to the matter of inspection itself, do you know just what an inspection as made by one of your inspectors usually is? A. I can judge from what they state.

Q. Have you ever given any instructions to the inspectors apart from those contained in the written questions which are to be answered, as to the manner in which an inspection is to be conducted? A. No, sir; not as to the manner; I have instructed inspectors where I have heard rumors that persons making applications were not the proper parties; of course, these rumors came from outside parties, probably my own club-room or people who would meet me on the streets, and in those cases I have said to the inspectors, "you be careful and see whether there is any truth in the stories as to the character of these men;" there were three or four such cases like that; may be more and may be less.

Q. Have you or the board ever given any instructions to the inspectors as to the thoroughness with which they should prosecute their work? A. Yes, sir; the president has instructed them to be careful as to the character of the people surrounding the place, etc.

Q. What means have you of detecting whether the inspector really does his work well or carefully? A. Only by the report of the party to whom he applies; complaints or statements made by them.

Q. I don't think you understand the question. [Question read by the stenographer.] A. I don't know that there are any means unless

as I said, that future events, after the application, would show that he had made a competent inspection, proper inspection.

Q. Is there any subordinate in your office whose duty it is to supervise the manner in which the inspectors do their work and make their inspections? A. Only the chief inspector.

Q. The chief inspector testified that he does not do that; if the report of the inspector is full and complete on the face of the paper is there any means in your office for discovering whether or not he has done his work well? A. Well, we can send out another inspector if we have any doubt or suspicion that he has not; we can send out another inspecter to make a report and ascertain whether his report was correct or not.

Q. Is there any means of discovering whether an inspector really makes any effort whatever to ascertain the facts on which he makes his report? A. No means that I know of.

Q. Some of the inspectors have testified that they went to the applicant and looked him over, and asked if there was anything against him, and he having said there was not anything against him, have reported him to be a man of good moral character and standing; is there anything in your department which enables you to ascertain that that is the extent of the inspection? A. By applying to the police in case we have any suspicion.

Q. You have to wait until your suspicion is aroused, do you? A. Well, of course — rumor — it would be a pretty difficult matter for a man, if a party came from Boston or Albany, to ascertain what his previous character had been.

Q. Have you ever known a case where it was impossible to find out what the previous character and standing of an applicant was? A. Yes; I think there were several cases.

Q. If you found a man about whom you could absolutely discover nothing concerning his antecedent character, would you licepse him? A. I would.

Q. You would license him because his character was so bad that nobody knew him at all? A. No, sir; I assume if you can not find out anything against him he is assumed to be good.

Mr. Jonnson — The presumption is he is of good character.

Q. Is that your understanding of your duties as an excise commissioner, that it is your duty to give a license to any man who applies for it, providing you are unable by any means whatever to discover who he was, where he came from, or what his private record was, on the assumption that he is innocent until he is proved guilty? A. I

will give a license; yes, sir; if the surroundings and the conditions are all right in the neighborhood.

Q. Do you know that licenses have been given on exactly these conditions already by your board? A. They have been.

Q. What would you do in case an inspector were to report to you, in response to the questions concerning the character and reputation of an applicant, "I can find out nothing about him either good or bad;" what would you do? A. They don't make reports in that way.

Q. But if they did? A. Then I would make further investigation.

Q. Suppose on still further investigation the same report came in? A. That would place me in doubt and I wouldn't give the license.

Q. Why should they not make the reports in that way? A. Well, then the inspector would avail himself of that chance and probably not report in favor of anybody for fear of committing themselves.

Q. You say "not report in favor of anybody." A. He would report he could find nothing good or bad against him, the result would be no licenses would be issued.

Q. Would not that be all the better in case only that class of people had to be licensed? A. Well, if you are going to take the moral side of it, a good many places ought not to be licensed, and a good many men ought not to be licensed.

Q. Taking the moral side of it do you say you ought to license any man or any place whom you judge morally ought not to be licensed? A. No, sir; no more than you would.

Q. Now, some of your inspectors have testified here that finding it impossible to discover anything about a party, for or against a party, they have reported that his moral character was good; had you known that they made that report simply because they were unable to discover anything, would that report have been regarded by you as a proper report? A. Yes, sir.

Q. Have your inspectors been instructed at any time to report everybody as good concerning whom they could find out nothing? A. Not to my knowledge.

Q. Is it the practice of your inspectors so to report? A. Unless they know something about a man, I suppose they will do it.

Q. It is the practice that unless they know something against him they would report him affirmatively good? A. Upon inquiry.

By Senator FASSETT:

Q. Is there anything to show how much inquiry they make? A. only the questions which appear on the list.

By Mr. IVINS:

Q. Do you take any steps to find out what inquiry they made? A. Not unless I hear a rumor.

Q. In your opinion then what is the value of the inspection? A. Of course, it is made so that a man of improper character can not get a license if the inspector does his duty; neither a house of prostitution nor a place where persons resort to for improper purposes; we get that information from the inspectors.

Q. Suppose we should discover by going through the city that there were at least a hundred places which were kept by improper persons; whose fault would it be? A. I don't think it is the inspectors' fault; probably they can't find out — made every effort to find out and could not find out.

Q. Should not the inspector be held responsible if, because of the insufficiency of his report he puts the city of New York and your board and himself in that position? A. If the insufficiency of the report proceeds from neglect or deficiency on his part in the proper examination; yes.

Q. Suppose that an inspector had found that a man came from Boston and was entirely unknown here, but, nevertheless, had not made any inquiry of anyone in Boston as to his character or antecedents; would you think that he had done enough without making that inquiry? A. I would; yes, sir; he would not know whom to address in Boston, possibly, and if he asked the applicant possibly the applicant might misdirect him.

Q. Suppose he asked the applicant and the applicant misdirected him? A. It would be the duty of the inspector then to make that report.

Q. Suppose the applicant had told him correctly and he had applied to the proper references; what is to prevent that? A. Nothing.

Q. Very well then; given those two alternatives, what is to prevent your inspector, in case of an unknown man, making inquiries at the last place from which he hailed; he could not unless the applicant directed him whom to apply to.

Q. If I were to come to you entirely unknown, or this gentleman were to come to you entirely unknown, you being an inspector, and make application, and you could find out nothing about us and neither of us were willing to give you any references whatever, would you report that our character was good? A. I would take it as a suspicious act that you refused to give me any references; I would take that as a suspicion and report accordingly.

Q. Now, why should not you require your inspectors to report to you not their conclusions as to whether a man's character is good or bad, but to report, the actual facts in the case? A. They do report the actual facts as they find them; they don't give us their conclusions at all, because they may have a prejudice against a man; they would report then according to their prejudices; unless they knew something against a man's character they could not report him of bad character.

Mr. JOHNSON.—Character is a matter of opinion after all; it is a conclusion.

Senator FASSETT.—An inspector can say that his neighbors report him of good character.

Mr. LEVENTRITT.—That is their conclusion.

Senator FASSETT.—There is nothing now to prevent an inspector making any inquiries whatever. It does not appear to the board what inquiries he makes. He reports a conclusion, "character good."

Mr. JOHNSON.—Then that is his opinion.

Senator FASSETT.—It shows a fault in the system, that there is absolutely no reliance to be placed on these reports.

Mr. JOHNSON.—There is no reliance to be placed on anybody's report of character.

Mr. IVINS.—Suppose we take that; this is a mere legislative inquest looking for remedial legislation. We have found that there is something wrong somewhere about this system. We are trying to find out where it is. It now appears that we have in the neighborhood of fifty or sixty inspectors who act, all made judges of character. Now, the question is, what do those men do prior to coming to their decision as to what the character of a person is. Now let's see how they report.

Senator FASSETT.—Of course, if you accept Mr. Johnson's theory, that character, like everything else, is merely a matter of opinion, there is no use putting it in our report at all.

Mr. IVINS.—If that is a fact then it behooves us to get a man who has an opinion.

Mr. JOHNSON.—No man can know everything about another man. I may know things that would tell me that a person was a man of perfect character; you may know things that would tell you that he was a man of bad character. I, not knowing it, would say, as my conclusion, that he was a man of good character.

Mr. IVINS.—Here is the report: "Upon diligent inquiry I find the moral character"—you note the tone there is very high—"and general reputation of the applicant to be good."

Mr. LEVENTRITT.—That shows he made diligent inquiry.

Mr. IVINS.—Now all of that is printed except the word "good;" the word "good" is written in. Now, let us suppose this case to be like one of the cases we have had where the party wrote in the word "good" without having made an inquiry whatever, except an inquiry sufficient to enable him to say that he could learn nothing. We come back to our question, why should not the inspector in such cases be compelled to report "upon diligent inquiry as to the moral character and general reputation of the applicant, I can find nothing?" I want to know why that would not be the proper report to make in such a case?

Senator FASSETT.—As matter of interest in this investigation, not long ago, I noticed in one of the journals published by the liquor trade, that after all, all systems of license now in vogue were failures; that there was not enough importance laid upon the character of the place and the man; that that was the most important element to be determined in granting permission to sell liquor — the character of the man. Now, if it appears that this inquiry into character is the merest farce, it seems to me it is of considerable importance to know whether it can be remedied or whether that pet theory can be at fault.

Mr. JOHNSON.—Do not understand me as saying it is a farce. I say it is a conclusion of fact.

Senator FASSETT.—But we are taking this investigation up as the result of previous investigations. We had inspector after inspector on the stand, and their testimony was almost uniformly to the effect that their inquiry was limited frequently to the man himself, frequently only to his friends, and once in a while it extended to the immediate neighbors.

The WITNESS.—Oftentimes you will find a man occupying prominent positions as cashiers, etc., belonging to denominational churches until they run off with the money.

Senator FASSETT.—Their character was very bad but their reputation was excellent.

The WITNESS.—Their public character as known is good. Then after they skip out with the funds their character is bad.

Mr. IVINS.—This question is sufficiently large in its scope to cover both character and reputation.

Mr. JOHNSON.—You are not expecting a university student in an inspector of excise.

Mr. IVINS.—No; I am not. "I find the moral character and general reputation of the applicant to be good." The result of which is this: That if that is correct, the moral character and general reputation, or

the report of a sworn officer of the law to act as a judge of character, of every man who is in the liquor business in the city of New York is good.

Mr. JOHNSON.—Let me put it to you. Mr. Ivins, how many inspectors or policemen in the city of New York, or men taken from that class in the community could make the distinction between character and reputation?

Mr. IVINS.— If there are a class of men employed as inspectors who can not make that distinction, then the board of excise ought not to do them the injustice of asking them to make it by formulating that proposition and requiring an answer. The board of excise takes it for granted when it asks its inspectors to make that report that its inspectors know good moral character and know general reputation; know the difference between the two; know what both amount to, and ask for a judicial report on it.

Mr. JOHNSON.— Then your criticism is on the catechism.

Mr. IVINS.—My criticism is on this part of the catechism.

Mr. JOHNSON.—I will not discuss that any further.

By Mr. IVINS:

Q. Now, is it not the fact, Mr. Commissioner, that every man who gets a license is reported good? A. It is; but you will notice down below, if there is any rumor or report or suspicion on the part of the inspector, he mentions that fact and leaves it to the commisioner to decide; a man is liable to have a charge brought against him in the court if he reports the character bad unless he can verify it and prove it.

Q. Now, to show where this very question results in ill, I want to refer to the testimony of several of the inspectors themselves; I am reading from the testimony of Charles Anthes, at page 1096; "Mr. Anthes, when you inspected Reddington's place, just describe how you went about it, what you did? A. Well, I went to the premises at first and did not find Mr. Reddington there; I went again and did not find him there, but was informed by the gentleman in charge that I would probably find him on the northeast corner of Forty-second street and Broadway, and there did find Mr. Reddington. Q. Then what occurred between Mr. Reddington and yourself? A. I asked him if he was the proprietor of the premises so and so; he said, yes, that he was. Q. Did you ask him if he was a man of good moral character? A. Well, I thought that he was, Mr. Ivins. Q. You thought so? A. From his appearance and his manner in greeting me. Q. Did you make any inquiries of any one as to his moral charac-

ter? A. Well, yes. Q. Whom? A. Well, the sergeant in charge of the precinct. Q. Any one else? A. No, sir."

Mr. LEVENTRITT.— Is that all.

Mr. IVINS.— No; that is not all. Here is another. From this it appears that Mr. Johnson was looking for a license. "Q. What inquiries did you make in regard to Johnson's character and general reputation? A. Well, I did not make any inquiries. Q. You did not make any inquiries? A. No, sir; he seemed a gentleman and he had been licensed there before, and I took it for granted that he was thoroughly reliable and was entitled to a license. Q. And you make that report of "good" without any further inquiries? A. Yes, sir."

Commissioner KOCH.— Which Johnson was that?

Mr. IVINS.— Hugh Johnson, 616 Sixth avenue.

Q. Now, in these cases I want to say also that I am not casting any reflection upon the character of these gentlemen; they may be most estimable; it is the method of procedure; now, in these two cases, do you think the party was justified in writing "good" in the report? A. No, sir.

Q. Do you think that Mr. Anthes ought to be instructed somewhat better as to his duties? A. He has been instructed; all inspectors have been instructed from time to time to make all inquires they can in regard to the place and the character of the applicant.

Q. If instead of having that question in that particular form, so that in that particular case the facts had been reported to you, would you, not have made a further inquiry before granting the license? A. I would.

Q. Do you not think, consequently, it would be an improvement in the service if you were to inquire that to be done and not virtually be thrown off your inquiry? A. What would you state?

Q. State the facts, what you have done? A. You suggested to me awhile ago that they should answer nothing in regard to whether good or bad.

Q. I asked this question, making the suggestion in the question, would it not conduce to the better administration of the whole service, if, instead of asking that question of your inspector, you were to ask him to report to you what he had done with regard to discovering the character and reputation of the applicant, and to report the facts and leave it to you to decide whether that constituted good character or not? A. It would be the best plan.

Q. It would be the best plan? A. Yes, sir.

Q. In other words, you would be better protected and the public would be better protected against slovenly work? A. I would be better protected; I am not supposed to do a moral wrong.

By Senator FASSETT:

Q. How long have you been commissioner? A. Since last May, a year ago, 1889.

Q. Is there anything more important to know in reference to an application for a license than the character and reputation of the applicant? A. Nothing.

Q. Have you testified that a place could not have character so far as entering in as an element of the application for a license is concerned? A. I have.

Q. So that the most important thing in issuing a license is to have a man of good character? A. Yes, sir.

Q. If every man who was engaged in selling liquors of any kind under any class that you license were of good moral character, actually, it would render the difficulty surrounding that business very much less in the city, would it not? A. Yes, sir.

Q. Do you consider the method pursued by your board to determine the fact of good or bad character the best possible method? A. We might improve on it according to suggestions made.

Q. Could there be any worse method? A. We could grant licenses without any inquiry at all.

Q. You might grant licenses without any inquiry at all? A. We could grant licenses without any inquiry at all.

Mr. IVINS.—Let me illustrate that; I would like to read this from the record to base one of your questions on: "Q. Notwithstanding the fact that he had been arrested and notwithstanding the fact that you did not know whether he had been acquitted or not you did not think that that made any difference as to his moral character and general reputation, from the point of view of the excise law? A. Well, I will tell you how I understood it; when I made an examination, or inspection, of his place, he had a license in his name and the former board had acted upon it; it seems as though the report had been good or they would not have acted upon it; I suppose that having been arrested once or twice did not necessarily signify that the man was a man of bad character by any means, because sometimes men are arrested for exposure of bars on Sundays or late at night, and I didn't really think that there was anything about the man that was very bad. Q. And you made no inquiry? A. No, sir."

Senator FASSETT.—That is, the arrest was not enough even to put him on inquiry.

By Mr. IVINS:

Q. Now, you say that the service would be worse if there were no investigation? A. Yes, sir.

Q. Is not an investigation which results in that sort of thing not only no investigation at all, but worse? A. No; I think it is better than no investigation.

By Senator FASSETT:

Q. It is so much better in this, that even under this bad system you may occasionally keep out improper persons; in so far as you keep out improper persons the system is a success? A. Yes, sir; I do not think you can adopt anything that will keep out all improper persons; I don't know how it is possible to do it better.

Q. And you think this is not the best method; you just told Mr. Ivins, if I understood you correctly, that you think it better to have your inspectors make the inspections and report the actual inquiries made and not suggestions? A. That would be one improvement.

Q. Have you ever considered this question; have you ever made it a study to see whether you could not improve on it? A. I have thought, from time to time, whether there could not be any improvement made, but my mind does not suggest anything, any plan or system to advise, unless it be to resort almost to a prohibitory law, the entire exclusion of all or the great majority that make applications.

Mr. IVINS.— There are two other cases similar to those I have read to you, making five inspections of which Mr. Anthes testified in this general way as we have seen by these three illustrations; judging from these five cases, which were the only ones we asked him about, as I now recollect it, would you say that Mr. Anthes was a good and satisfactory inspector — judging from these five cases?

The WITNESS.— He may have had a very large number of cases to look after, and I should think four or five would be a very small percentage; I think he is a good inspector.

Q. Those cases were picked out at random? A. I presume Mr. Anthes felt that he had gone as far he could go to ascertain the character of the people; but if I felt that he did that knowingly or negligently I should certainly feel that he is not a good inspector.

By Senator FASSETT:

Q. As a matter of fact now except where suspicion is aroused by some act or fact, or except where complaints are entered, is not this investigation as to character a mere form? A. I do not see how it can be otherwise than a mere form.

Q. I think it is a very serious question; I do not know how you going to improve it; I think the present system is as bad as it be? A. The present system came down to us from the former

The WITNESS.—I made a personal investigation of that man's character myself.

Mr. IVINS.—Leaving that out; I am now asking you about the inspector. [Reading.] "Did you make any inquiry of any police officer? A. No, sir." In view of the fact that he knew nothing, he nevertheless gave a certificate of good moral character.

The WITNESS.—Probably he knew that the police captain had stated that he knew nothing of the man. I saw the captain myself.

Q. Forget about the captain; we are talking of this man's testimony; do you regard that as an evidence on that inspector's part, of diligence and carefulness in the performance of his duties? A. No, sir; not strictly so.

Q. I have five or six illustrations such as Mr. Rauch and John J. Hart; it is not necessary to go into details, but every inspector we called testified that that was about the method.

Mr. LEVENTRITT.—I don't think they all testified the same. I think some of them were more cautious.

The WITNESS.—I made it my duty to inquire about Murphy from four or five different persons.

By Senator FASSETT:

Q. That was after the report of the inspector? A. No, sir; prior; I am pretty certain it was prior to the report of the inspector.

Q. Had there been a complaint before your board against Murphy before this inspector made his report? A. Yes, sir; Inspector Williams came there and said he did not think he was a proper person to be licensed; Inspector Williams came in to see the commissioners; I do not think the inspector knew he was there; Williams made a complaint against the man that as far as he knew he was not a proper person; this complaint was not made in writing; Williams came there and made the statement to President Meakim, and he subsequently withdrew it, stating that he was mistaken in the person; that it was not the same person.

Mr. IVINS.—Mr. Leventritt doubted that these were good illustrations.

Mr. LEVENTRITT.—I beg your pardon. You stated that they all testified to the same effect.

Mr. IVINS.—I said that each one of the inspectors testified that this investigation was not more thorough.

Mr. LEVENTRITT.—I think you are mistaken in that.

Mr. IVINS.—No; every one we called. And if you want me to, I will go to the record. Take the next one, Mr. Hart: "Q. Did you ask

Mr. Bush whether he was a man of good moral character? A. I did, sir."

Senator FASSETT.—I think we can save some time, because I do not think there is any difference of opinion between us about the fact that this inquiry as to character is a mere matter of form.

Mr. IVINS.—Did the Senator understand the witness to say it was a mere matter of form?

Senator FASSETT.—Yes.

The WITNESS.—I do not see how it can be otherwise. I do not see how it is possible to ascertain the character of a man.

Senator FASSETT.—The only improvement that he suggests is that the inspector should be required to report what inquiry he made and from whom he received his information. That would do away with this "diligent inquiry" and what constitutes diligent inquiry.

By Mr. IVINS:

Q. Commissioner, you can tell us whether or not there is any system in the board to-day whereby the inspectors, or their superior inspectors, can tell whether diligent inquiry has been made? A. They go by the interrogatories put on that form.

Q. You do not think these questions prove diligent inquiry, do you? A. No, sir; if they had not made the inquiries and they stated they had, it is deception.

Q. Suppose you would find that it was the habit of all of your inspectors to so deceive you, what would be the result?

Mr. JOHNSON.—How can he decide that? You are asking him to decide a judicial question now.

Mr. IVINS.—We can call the counsel, and we can even compel him to state what advice he gave to the commissioners, because he is a public officer giving advice to a public body.

Mr. JOHNSON.—I won't argue that now, but you are asking him to decide a judicial question as to what would be the result of a thing.

Q. Mr. Commissioner, will you please tell me wherein you are a judicial officer?

Mr. JOHNSON.—That I object to, because the law decides it.

The WITNESS.—I understand that the law directs me in regard to licenses ——

Q. To pass judgment and make removals? A. Yes.

Q. In case you have found one of your inspectors had picked the pocket of another inspector, would you remove him? A. I would.

Q. Now, in case you found that one of your inspectors had deliberately deceived you in a report, would you remove him? A. If he deliberately did it; yes, sir.

Q. Would you vote to remove him for it? A. Yes, sir.

Q. Now, would you consider the systematic deception of the board in regard to these different questions by certain of these inspectors, as in the case of Mr. Rauch, Mr. Hart, Mr. Anthes, and others whom we have got here, in case you had examined the reports yourself, as a member of the board, and were satisfied that they had not made diligent inquiry, notwithstanding which fact they reported diligent inquiry, would you think that that would be cause for removal? A. If I knew they were making systematic reports for a purpose of deceiving the board and I had information from outside that such was the fact, that the characters of the people whom they were reporting on were not good, and the inspectors had means to find it out, then I would remove the inspectors; but it would have to be demonstrated to my satisfaction that the men did it deliberately and with a method.

Q. Do you regard these words "diligent inquiry" as being of any importance or not? A. I do not think they are.

By Senator FASSETT:

Q. I think, in fairness to yourself, you mean as a matter of fact in practice they are not important? A. I do not think there is any necessity for diligence, because it is to be presumed that the inspector will make a diligent inquiry.

By Mr. IVINS:

Q. Then you would have the word "inquiry" left? A. That is about all; I do not think you can go any further; I have said that a dozen times; of course, if it is to be demonstrated to me that a man is willfully negligent and makes false report, I do not think that man ought to be there; I do not think any man in the board would tolerate him, and I do not think a leader in Tammany Hall would recommend him, with the knowledge that he would do that.

By Senator FASSETT:

Q. Of course, they could not have that knowledge? A. That is just what I said; you could not tell a man's character unless something is proved against him.

Q. Do you think it would be an improvement to this form of interrogatory to have stricken out "having made diligent inquiry you find his character good," and substitute in place thereof, just what inquiry the inspector had made and from whom made? A. Yes, sir.

Q. Would you recommend that? A. I would.

Q. Who is responsible for this form of report? A. I presume we are as long as we accepted it as coming from the other board.

Q. You have power to change it? A. Yes, sir.

By Mr. IVINS:

Q. You understand that the law requires you to pass as a commissioner upon the character and reputation of the parties whom you license? A. Yes, sir.

Q. So that so far as you are concerned you can not avoid making the best inquiry possible to be made under the circumstances? A. I do it; I have to depend upon the inspectors, of course; it is not to be assumed that I should go around to 14,000 applicants.

Q. Oh, no; you have to do it by subordinates; the whole system then, so far as concerns this question of moral character and general reputation, is really dependent, is it not, upon the thoroughness with which the inspectors do their work, and the character of the inspectors themselves? A. Yes, sir.

Q. So that the inspectors are right at the foundation of the whole system? A. Yes, sir.

Q. And if the inspectors did their work with the utmost possible thoroughness, the likelihood of breaches and of your licensing men who were going to break the law would be decreased? A. Yes; but we do not know, nor can we assume, that a man, no matter what the inspector's report is — suppose he made a report that he made a diligent inquiry and everything proved to his mind that the applicant was a man of proper character, he can not tell whether that man is going to break the law or not.

Q. Then this brings us back to securing the services of men of good character to perform the duties of inspectors? A. Yes, sir.

Q. And that emphasizes the fact that you should see that only such men are appointed as inspectors? A. Yes, sir.

Q. Do you think that the appointing of such men is sufficient to guarantee the securing of the services of that class of men? A. Yes, sir.

Q. To the exclusion of incompetent or careless men? A. I think the system of getting them now is as good as you could adopt or devise unless you remove the whole system out of politics, out of the political arena, and place it with the religious community.

Q. You have been in the board of aldermen? A. Yes, sir.

Q. Have you ever held any other public office? A. Yes, sir.

Q. What public office have you held? A. I was inspector of buildings for a number of years.

Q. You have had a large experience in the public service? A. Since 1870; I have been in politics since I was a boy.

to the bad character of a man, or of his having been connected with a disreputable gang, or anything of that kind, we naturally refer the matter to the police captain to find out if he knows anything detrimental to the man.

Q. And wherever you think it is necessary don't you utilize the police force as an assistant to you in making these inquiries? A. So far as they know anything of the bad character of the man, yes, sir; but some police captains are like everybody else, they have their own prejudice.

Q. Don't you know that there are thousands of arrests made in New York city for violations of the excise laws in which trials can never be had because of the insufficiency of the equipment to bring the cases to trial? A. I don't know.

Q. Do you not know, as a matter of fact, that there are thousands of arrests made that were not followed by trial or conviction? A. Yes, sir.

Q. Those arrests are all reported to your board? A. We procure them from the police captains every two weeks, I believe.

Q. Those arrests are made over the entire city by the entire staff of police? A. Yes, sir.

Q. The police of this city are pretty intelligent and trustworthy people? A. I think so.

Q. Now, if a police officer, being an officer of the law and being a member of the force that you look to for assistance from time to time, if he arrests a man, is not that sufficient to put you on your guard as to his character, even if he was not tried? A. No, sir.

Q. Do you think the police maliciously arrest a man for violation of the excise law? A. Some do.

Q. Do you think they do it frequently? A. I think it is often done.

Q. Do you know of a case in which it has been done? A. I could not say that; I might know of several cases, but I can not recall one.

Q. Here is one member of a city government who says that he believes that malicious arrests are made; can you name any? A. I do not remember any, but I presume so; I think it is done.

Q. Can you now say, leaving apart when and where it was done, that you recall a case in which it was done? A. I must qualify that; I have been in police courts in the morning and several have been brought in for violation of the excise law, and in many cases the party so arrested stated that the doors were closed and the latch was down, and the policeman raised the latch and got in; if the latch was down, I think his place is secure, and the officer had no right to do it.

Q. Even though it is on the outside? A. Yes, sir; even though it is a latch or a tooth pick or a match that bars the door; of course, it

has been rumored, and I have heard it several times, where a policeman has said: "I will get square with him sooner or later."

Q. Do you know of any such case? A. No, sir.

Senator Fassett.— You believe that to be the case? A. I do.

Q. Do you believe it to be very generally the case? A. No, sir.

Senator Fassett.— Do you believe it to be the case to such an extent that you are justified in not paying any attention where arrests are made? A. No, sir; I don't say that; a great many arrests are made and a great many places are licensed.

Q. Then the action of the police in making arrests is something immaterial as bearing on the question of licensing? A. Yes, sir; I do.

Q. Now, I find by the testimony that we have taken, that some reliance is placed upon the reports of newspapers, and that you have a book in which clippings are placed? A. Yes, sir.

Q. Are any steps taken in your office in any way to verify the accuracy of these newspaper statements? A. Sometimes; I do not go very heavy on some statements made by the newspapers; the newspapers say very hard things about you; but I am not compelled to believe them.

Q. No, you are not; that is one of the reasons I wanted to find out about this; these newspapers are all taken and they are all given, so far as your records are concerned, equal weight? A. I don't know as any weight is given to them; they are cut out of the newspapers and filed away each day; I do not know what particular object they had in view in doing it; they don't affect my mind.

Q. They don't affect your mind? A. No, sir.

Q. You still keep the system up? A. Yes, sir; I presume the other commissioners are satisfied, and I have no objection to it.

Q. I understand it costs money to keep that up? A. The only clippings I advised them to keep out is where they slandered myself.

Q. One man is paid for that? A. He is an inspector.

Q. Isn't he paid for that; has he done any inspecting? A. He has been sent out inspecting; I know he has been sent out very recently on a district, if I am not mistaken.

Q. Isn't it the fact that the major part of his time is devoted to this work? A. No; he has some other duties to perform.

Senator Fassett.— This covers the case of riot, or brawl, or murder or disturbance?

The Witness.— Oh, yes, sir.

Q. We had an illustration at Gombossy's, or the Sixth Avenue Hotel; the only thing I want to get at is whether or not, simply because a newspaper had published a statement in regard to a place,

to the bad character of a man, or of his having been connected with a disreputable gang, or anything of that kind, we naturally refer the matter to the police captain to find out if he knows anything detrimental to the man.

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Q. I wanted to find out whether any steps were taken to verify those particular reports before they were acted upon? A. Oh, yes, sir; where the brawl occurs or the shooting is done, we send for the man and make inquiries.

Q. You treat those reports that come into the newspapers as being equivalent to a complaint; is that about it? A. No, sir.

Q. It brings them to your notice? A. Yes, sir; probably I never read the clippings.

Q. You make an inquiry or investigation, and the result of that inquiry or investigation would be exactly the same as though a complaint were made? A. It might be.

Q. It would be in any event dismissed, or it would be a revocation? A. It would not be a revocation unless we substantiated the allegations made in the paper.

Q. Don't you think you could get along with fewer inspectors? A. Well, I don't know as we could; it would impose a great deal of work on each man; the area to be covered is very great.

Q. Now, let us come to some special places, commissioner; did you license Clark's restaurant, or vote in favor of licensing Clark's restaurant? A. I could not tell you without looking at the records.

Q. Sixth avenue and Thirty-third street that was, commissioner? A. I don't remember.

Q. The record, as we have it here, shows that you voted for it, and I wanted to find out if you have any recollection about the place, or how you came to vote for it? A. None, whatever.

Q. Did you vote to license the Sixth Avenue Hotel? A. Yes, sir.

Q. Have you any recollection of the circumstances surrounding the application for that license and the ultimate granting of it? A. Nothing more than any other application, except those clippings in the *Herald*, stating that it was a house of bad repute, and quite a number of parties whom I knew came down and made a statement that they knew Mr. Griffith and knew that he ran a respectable house.

Q. Did you have a hearing prior to granting the license? A. We had a hearing; some three or four persons were there, and stated that they knew Mr. Griffith, and I believed that their word was sufficient; I knew them to be honorable men.

Q. Did you ever inquire of any persons opposing the license? A. There had been no protest entered.

Q. Did the report of the captain that the man was a proper person to be licensed have any weight or influence with you? A. Yes; more or less; I had no particular reason to disbelieve the captain.

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Q. You make an inquiry or investigation, and the result of that inquiry or investigation would be exactly the same as though a complaint were made? A. It might be.

Q. It would be in any event dismissed, or it would be a revocation? A. It would not be a revocation unless we substantiated the allegations made in the paper.

Q. Don't you think you could get along with fewer inspectors? A. Well, I don't know as we could; it would impose a great deal of work on each man; the area to be covered is very great.

Q. Now, let us come to some special places, commissioner; did you license Clark's restaurant, or vote in favor of licensing Clark's restaurant? A. I could not tell you without looking at the records.

Q. Sixth avenue and Thirty-third street that was, commissioner? A. I don't remember.

Q. The record, as we have it here, shows that you voted for it, and I wanted to find out if you have any recollection about the place, or how you came to vote for it? A. None, whatever.

Q. Did you vote to license the Sixth Avenue Hotel? A. Yes, sir.

Q. Have you any recollection of the circumstances surrounding the application for that license and the ultimate granting of it? A. Nothing more than any other application, except those clippings in the *Herald*, stating that it was a house of bad repute, and quite a number of parties whom I knew came down and made a statement that they knew Mr. Griffith and knew that he ran a respectable house.

Q. Did you have a hearing prior to granting the license? A. We had a hearing; some three or four persons were there, and stated that they knew Mr. Griffith, and I believed that their word was sufficient; I knew them to be honorable men.

Q. Did you ever inquire of any persons opposing the license? A. There had been no protest entered.

Q. Did the report of the captain that the man was a proper person to be licensed have any weight or influence with you? A. Yes; more or less; I had no particular reason to disbelieve the captain.

Q. Did you vote for licensing the place, corner of Fourth and Thompson?

By Senator MCNAUGHTON:

Q. I would like to ask, if you took any steps when you found out your mistake, to revoke the license? A. It has been revoked since.

By Senator MCNAUGHTON:

Q. Did you take any steps when you found out your mistake? A. No, sir.

Q. How long after the license was granted was it, before the license was revoked? A. About fourteen months.

Q. On a complaint? A. Yes, for violation of the excise law.

By Mr. JOHNSON:

Q. Did you know that the license had been granted until the time that the complaint was filed? A. Yes, I did, in this way; I said to Mr. Meakim, "When that 207 Bowery comes up, I want to be notified," and he said: "You voted for it some month or two months ago," and the reason why I was going to vote against his place was, that one evening I was going up the Bowery, a friend and myself, we walked up the Bowery to Lyons' to get something to eat, somewhere in the neighborhood of 1 or 2 o'clock, and I saw women going in and out there, and some of them appeared to be partly intoxicated, and for that reason I made up my mind to vote against the place, but it escaped my attention.

By Senator MCNAUGHTON:

Q. Did you at that time make a memorandum in the complaint book? A. No, sir.

Q. Would not that be a good practice to follow when you discovered such a thing to make a record of it? A. I said when this resolution comes up I want to speak to Meakim, and I intended to vote against it.

Q. Michael Ward? A. I think I did.

Q. Did you before voting for each of these places have all the papers and documents before you? A. I don't know what you mean; I had the inspector's report, and if we sent for a police report, I had that before me.

Q. Whatever documents there would be were before you? A. Yes, sir.

Q. Now, let us, as an illustration, take the case of Thiess, in Fourteenth street; in that case the license was granted to a new party, was it not? A. Yes, sir.

Q. Who was that party? A. I do not remember his name.

Q. How do you know that that place is not really owned and run

by Mr. Thiess? A. Upon the appearance of gentlemen that I know would not lie to me.

Q. You have taken steps to find out? A. Yes, sir.

Q. You need not name any of those gentlemen, but just tell what the steps were that you took to find out? A. I made inquiries of parties who knew the applicant had kept a place in the Bowery, and they all said he ran a very respectable and proper place; and I called his attention to the fact that there was a door that opened on Thirteenth street that led in from the Thirteenth street side of the building, and it was a place of easy access and egress for women who might pick up men and go to the houses on Thirteenth street; and he assured me that that opening would be closed; I made inquiry of very prominent gentlemen of the county of New York, and they assured me that the place would be conducted on an entirely different plan, that there would be an entire reformation; that thereafter if a lady desired to go into the place she would have to be accompanied by a gentleman, and that they would not be allowed to run from one table to another; they gave me all the assurances, and thereupon I signed the license.

Q. In view of the earlier history of the place you would not have licensed Mr. Thiess, would you? A. No, sir — oh, pardon me; in addition to that there was a bill of sale and also an affidavit sworn to by the party that Thiess had nothing to do with it.

Q. The usual method? A. Yes, sir.

Q. What steps did you take to find out about that bill of sale as to its actual bona fides? A. Nothing, only the affidavit that was sworn to, and all that.

Q. Did you ever take any steps to find out about the bona fides of the bill of sale?

Mr. Leventritt.—Here is a letter of Mr. Ehret in relation to that. [Producing letter.]

Mr. Ivins.—The letter from Mr. Ehret referred to, reads as follows:

"*To the Honorable Commissioners of Excise:*

Gentlemen.—Charles A. Berthold has made application to your board for a license to the premises No. 136 East Fourteenth street, this city. He is a gentleman who is personally known to us and is a reputable and law-abiding citizen, and we feel assured that his conduct in the management of said premises will be free from all objectionable features.

New York, *July* 12, 1890.

Yours respectfully.

(Signed,) GEORGE EHRET.

Per Frank A. Ehret, Attorney.

John B. Hasslechier.

Senator FASSETT.— What is that; a bill of sale or an application?

Mr. IVINS.— That is a letter of recommendation.

Mr. JOHNSON.— Is it not a fact that this man Berthold had another place under license which had been conducted in a perfectly respectable manner, and about which you had no complaint? A. Never had any complaint.

Mr. IVINS.— I want to say again that I do not want to say anything against Mr. Berthold; I simply take this as a case of typical character. There should be spread on the record this resolution of August 8, 1890.

"Commissioner Koch offered the following resolution:

"WHEREAS, Charles A. Berthold, applicant for a Class 3 license at premises No. 134–136 East Fourteenth street, appears to be a man of good moral character, who has carried on business under licenses from the board of excise at No. 251 Bowery, during several years, in an orderly and respectable manner, as appears from the records of this department and from recommendations on file; and

"WHEREAS, Assurances are given that he will conduct the business at the place for which he has made application in an orderly, decent and respectable manner, if a license is granted to him:

"*Resolved*, That the license on his application be, and the same is hereby granted, upon the said Charles A. Berthold filing an application that he will not, during the time for which a license is granted, permit any females to enter the said place of business unless accompanied by a gentleman, and that he will not permit any females to enter or depart from the entrance or exit on Thirteenth street, whether accompanied by men or not.

"Carried — Commissioners Fitzpatrick and Koch voting aye."

Mr. LEVENTRITT.— A stipulation to that effect was filed. You will find that written there on the next page attached, accepting these conditions.

Mr. IVINS.— The stipulation is as follows:

"*To the Board of Excise Commissioners:*

"From the time I took possession of the business at the Alhambra Music Hall, on Fourteenth and Thirteenth street, I have absolutely excluded females unaccompanied by a male escort from said hall. I intend to conduct the business on that principle; and I hereby agree to exclude females from said music hall on Fourteenth street if I am granted a license by your board. The Thirteenth street portion of the said building is strictly a bar for male customers alone, to accommodate the house exchange business. It never was intended nor designated as either an entrance or an exit for females to or from any part of the Alhambra building; and I do hereby agree and bind myself

to your board, that no female, either with or without an escort, shall be permitted to enter or leave said building by way of the Thirteenth street entrance.

"CHARLES A. BERTHOLD.

Sworn before me this 31st day of July, 1890.

"W. H. HILLER,

"*Commissioner of Deeds, New York city.*"

Q. Do you know whether Mr. Tice has any interest in that business or not? A. I think not; I don't know.

Q. Do you know whether Mr. Tice is a frequenter of the place or not? A. I do not.

Q. Have you been there since this license has been granted? A. No, sir; I have not been there in three years.

Q. Do you know who Mr. Berthold's cashier is? A. No.

Q. Do you know who runs and supervises the business there? A. No.

Q. Would you be surprised to learn that it was Mr. Tice? A. No; I would not.

Q. Why wouldn't you? A. I don't — of course, I don't know that we have a right to dictate to Mr. Berthold who he shall have there to supervise his business, as long as he has no interest in the matter, has nothing to do with the management of the place, the rules adopted there for the proper conduct of the place.

Q. Do you think it makes so much difference in whose name the license runs if the business is to be in charge of the very man because of whom that former license was revoked? A. I think Mr. Berthold is responsible for the conducting of the place; I think he is the bona fide owner of it; I never knew anything against the young Tice boys any more than their father and mother kept that place and they were there; they had never conducted the place themselves.

Q. Have you ever heard of a case in which a party whose license was revoked has assigned to a relation and that relation got a new license? A. Oh, many cases.

Q. Where they have assigned to their own barkeepers and the barkeeper got a license? A. No; I don't know of a case where they made an assignment to the barkeeper.

Q. Bill of sale? A. Bill of sale — I remember one or two cases where it was done with the barkeepers.

Q. Do you take any steps whatever, other than compelling them to file this affidavit that is spoken of, for the purpose of discovering the real bona fides of these bills of sale? A. No.

By Mr. BROWN:

Q. Mr. Commissioner, haven't the parties been examined orally before the commissioners, in some instances? A. In many cases.

Q. As to the bona fides of the transaction, as to the purchase? A. Examined under oath before the commissioners, many cases.

Senator FASSETT.—They grow out of complaints made?

The WITNESS.—No.

By Mr. IVINS (resuming):

Q. Has it ever been brought to your attention as a commissioner that the very person because of whose conduct the license has been revoked, are, nevertheless, in the real, actual, conduct of the business which has been relicensed and under a new name? A. It has been.

Mr. JOHNSON.—If my Brother Ivins is endeavoring to prove that frauds have been committed on this board, we will admit that.

Mr. IVINS.—Mr. Chairman, frauds have been committed upon this board. This board has taken these bills of sale, in the majority of cases, as being bona fide.

Mr. JOHNSON.—When they are accompanied by an affidavit.

Mr. IVINS.—They are accompanied by affidavits and the board has gone no further. These cases are very numerous. Where the board has been put on its inquiry in any particular case, then it has gone further, and I make no charge, because I am not here to make charges against this board. I want to find out whether or not, if this committee can put itself at the disposal of this board to such an extent as to teach the people who have made bills of sale malefides, that they can be punished, it would not be a service to the board, and a service to the city. That is what I want to find out.

The WITNESS.—They can be punished, now, can't they, counsel, for perjury, before a board constituted as ours is.

Q. Well, let's find out; have you ever pursued any of these people? A. If we had any suspicion; yes, sir; I think we have.

Q. Do you remember a case in which you have pursued a person who has really deceived you into giving a license to a new party, he himself nevertheless continuing to manage the business? A. Yes, sir; in three or four or five cases; more, maybe; we have revoked them.

Q. You would revoke the license? A. Yes, sir.

Q. Have you, having revoked that license, ever gone a step further and tried to test the question in the courts, as to whether or not you had been deceived by that oath of the parties concerning the bona fides of the alleged bill of sale?

Mr. JOHNSON.— Now, you are raising a legal question. That is an extra judicial oath, not constituting perjury.

The WITNESS.— No; we have not.

Q. Then we come back to the point I want; that being the case, and one of your counsel here advising you that it being an extra judicial affidavit, and not constituting perjury under the law, then what good is the affidavit to you?

Mr. JOHNSON.— I never advised him until this time.

Q. What good is the affidavit?

Senator FASSETT.— I will answer that question, if the commissioner will permit me. I suppose the good of that affidavit is that most of these people who take an affidavit think that a breach of the truth is perjury, and it is the moral effect of the affidavit. That is all it is good for, is it not?

The WITNESS.— Yes.

Q. Now, the question arises as to whether or not that is not one of the classes of oaths, the violation of which might be made punishable; I know it was held in one case here, not very long ago, that an extra judicial oath, which was simply an affidavit taken to the accuracy of the returns of a certain corporation, constituted perjury, and the persons were convicted for it.

Senator FASSETT.—That would depend very largely upon the law.

By Mr. IVINS (resuming):

Q. When you find a bill of sale made out in such a form as to recite, valuable property is assigned for one dollar, does that put you on your guard in any way, or lead to any inquiry? A. It might, although it is a good legal form.

Q. It is a good legal form, but does it put you on your inquiry? A. Does in some cases.

Q. At any rate we have come to this; that the exaction of that affidavit, in that particular case, really amounts to nothing, so far as it concerns those people who have not any respect for an oath? A. Amounts to nothing if they don't put a value on the oath; no, sir.

Q. We will say that John Smith has been licensed, but he nevertheless is a desperately bad character; he is so bad a character that he has not even respect for obligations of an oath; he has a bartender, John Brown, who has possibly an equally bad character; so bad that he, Brown, has no respect for the obligations of an oath; simply makes a bill of sale to Brown, and Smith and Brown both join in an oath that it is a bona fide thing; you are deceived by that into

granting a license to Brown; the oath is of absolutely no value in that case, is it? A. There is no punishment for it.

Q. And there is no punishment? A. Yes; in my estimation there is a value to it.

Q. I say, in the case of those two particular men, assuming that the oath is false to begin with? A. Whether it is legal punishment or not, they have committed perjury, and it is a crime.

Q. They have not committed any crime according to the opinion of one of your counsel here; they have according to the opinion of the other.

Mr. JOHNSON.—This is the difference that I supposed existed between my Brother Brown and myself under the law, if your honor please—and I have had considerable experience in studying this law very recently. It is provided that the commissioners may administer oaths in their investigation. Now, if a man comes before the commissioners and makes an oath that he is the owner of property when he is not, that is punishable by criminal indictment as a perjury; but in this case now, for instance, a man submits an affidavit sworn to before a commissioner of deeds—

Senator FASSETT.—I suppose even there it would only be perjury where the inquiry itself was germain to the general subject.

Mr. JOHNSON.—Certainly; but here is a case where a man presents an affidavit and files it with a board, sworn to before a commissioner of deeds, not an oath administered by them in the course of their investigation. I say that is not a perjury.

Senator FASSETT.—Some men are deterred from lying out of reverence for the truth; other men are deterred from lying through fear of punishment for perjury. Where punishment for perjury can not follow, then a mere oath or statement has no binding force or effect.

Mr. JOHNSON.—Not at all. I think a man who would lie when he was not under oath would lie when he was.

Senator FASSETT.—So do I.

Mr. IVINS (resuming).—Now, do we understand counsel for the commission to be of the opinion that if these statements were made under oath to the commissioners themselves, that then in case of the oaths being false, the penalty could be enforced?

Mr. BROWN.—I believe it could, under an examination before the commissioners.

Senator FASSETT.—On matters within their jurisdiction; but even then, I suppose their idea is that if a man should be asked a question which did not have any proper bearing on the question—as, for instance, a man was worth $10,000 in personal property, and the man

lied about it, I do not suppose that would constitute perjury in the eyes of the law.

Mr. Brown.— It must be material to the inquiry.

Mr. Ivins.— Here is the case — I want to keep it entirely germain to the issue. The person making application for a license makes it on the ground that he is the owner of these fixtures and of all the rights in and about the particular property theretofore held by the licensee, and he swears that the old licensee, whose license has been revoked because of misconduct, has no interest in any way, and it is only upon condition of his willingness to swear to that that the board of excise are willing to give him, as a new party, a license for that place; that, certainly, is entirely within the sphere of the board's jurisdiction; however, those oaths, as it stands, are administered by commissioners of deeds and notaries public, so that the parties can not be punished; now we come right down to the point; why should not those oaths be administered by the commissioners themselves, so that both sanctions are provided, not only the sanction of truth, but the sanction of the law.

Q. Is there any reason why those oaths should not be administered by you? A. None whatever; they ought to be.

Q. That disposes, clearly, of that position, just as we have disposed of another position here, which appeared by the commissioner's own testimony to be weak spots in the system; now, commissioner, every time that you grant a license you exact a bond? A. Two bonds.

Q. Well, you exact a bond from the licensee with two bondsmen? A. Yes.

Q. And these bondsmen agree that in the event of the party licensee not conducting his business according to law, they will suffer the penalty in a certain sum; now will you tell us whether those bonds are enforced or not, and if they are not enforced, why they are not? A. They are now being enforced, I believe.

Q. Tell us when you began to enforce them and to what extent they are being enforced? A. I should say some three or four months ago.

Q. Tell us what was done? A. Counsel there has the matter in charge and can tell you.

Mr. Ivins.— If the counsel will answer that question now it can go right in the record; just tell us all about this matter of the bonds and their enforcement.

Mr. Brown.— That is a long history, the matter of the bonds; there is a question whether there is any right to recover on the bonds or not, and a very serious question arising upon them.

Mr. IVINS.— Mr. Brown is counsel for the board and an officer of the city as such counsel.

Mr. BROWN.— I will tell, in as few words as possible so as to get at the subject; under the act of 1857 the only license that then could be issued were licenses to hotel and innkeepers for liquor to be drunk on the premises, and to storekeepers for liquor to be carried away and sold in quantities less than five gallons, not to be drunk on the premises; there were two bonds required; one from innkeepers and tavern keepers, and the other for the ones where the liquor was not to be drunk on the premises; in 1885 that law was changed; there was no distinction made as to the issuing of licenses in the city of New York, between innkeepers, tavern keepers, hotel keepers or saloon keepers; there was no change made in the law with respect to the bond, and the statute was explicit upon the granting of a license to an innkeeper, tavern keeper or hotel keeper that a bond should be taken; but in the subsequent law there was no extension of that provision to saloon keepers in terms; it is a question of labored interpretation of the whole law as to whether there is a liability as to saloon keepers. Now, when I was appointed as the commission's counsel, among other cases that I found on the record were two cases brought by my predecessors, one on the innkeeper's bond and the other as to the statutory penalty; they had been pending and on the calendar for sometime, and after consulting with the commissioners we concluded to press those cases to determine whether the commissioners were the proper parties plaintiffs in the action. That seemed to be the main question then presented upon that case, whether the action should be brought in the name of the board of commissioners or the commissioners in name, or by the Attorney-General, as required by the code where a penalty is forfeited to the people of the State. There is a provision in the code that in those cases the district attorney or the Attorney-General is the proper party to bring the action, and not anybody else. That question was litigated quite sharply before Judge O'Brien and he decided in our favor. I pushed both of those cases, had them advanced upon the calendar; and the other one as to the penalty, where the party had taken out a license to sell wine, ale and beer, sold whiskey. We recovered in that case and they were pursued and judgment entered and the parties examined in supplementary proceeedings, but nothing resulted from it. Yet in those cases the main question, as to whether there was a continuing liability on saloon licenses, was not presented to the court with any degree of force. It was not argued, while in terms we got judgment upon that; yet this question remained unanswered as to

whether there was a liability in saloons. After sometime the commissioners adopted a resolution directing these bonds to be prosecuted. I then, in further consultation with them, pointed out some of the difficulties of recovery, and we selected about fifteen or twenty cases under which all these various conditions would arise, seeking to get somebody into court where the question could be threshed out and a proper determination of the question presented, and the result of it has been that we have about ten cases at issue, and we have a demurrer on one which will be argued next month, in which the whole question will be presented in the Supreme Court. Now, it is well settled in statutory bonds that no provision not provided for by law has an effect upon the sureties. These are simply statutory bonds and anything included in them that is not provided by statute would not cast a responsibility or liability against the bondsman. Anything extraneous to that would be practically ignored. The provision of law with reference to what violation of the conditions of the bond would entitle a recovery is ambiguous also in its terms because when this law was enacted, in 1857, the word "disorderly house" had not then received a legislative definition. The provision in the condition of the bond is "to permit the place, hotel, inn or tavern, to become disorderly or to keep a gaming table in there." And the first question as to whether in saloon cases, there was any liability upon the bond at all, or whether a bond is required, would be passed upon, then the question is, what was the meaning of the word "disorderly" in connection with the condition in that bond? In its popular acceptation it means a house where riotous conduct is permitted; in its literal definition would be where violations of the law were permitted. Now then, there are the two questions to be presented upon the agreement of these cases. If we brought actions upon all the bonds where there was simply a violation of the law, without regard to the condition of the bond, we would incur, if defeated, an immense responsibility, both as to time, labor and cost. It would require more aid than we have at present and more than probably could be obtained readily for it. In addition to that, while there is a provision of law requiring the commissioners to prosecute these bonds, there is no provision of law that in the event of their defeat that the costs incurred in the actions shall be reimbursed to them, and they are personally the plaintiffs in the action although brought in the name of the People of the State of New York on the relation of the commissioners as individuals. The only moneys that can be provided — there is none provided by law and the only money provided by statute is for the expenses of the commissioners. Hence, it was considered,

under this condition of things, that we had better have these two questions fully determined before incurring further liability against the commission or involving them in a mass of litigation that they might not get out of very readily.

Senator FASSETT.— This has been the situation since 1885, has it not?

Mr. BROWN.— This has been the situation since 1885, and never has an action been commenced upon that; even as far back as '70, it is a grave question, Senator.

Mr. IVINS.— The actions have not been brought within a quarter of a century on one of those bonds.

Mr. BROWN.— We are the first that has ever pushed out of those bonds.

Senator FASSETT.— When did you begin?

Mr. BROWN.— Immediate on my appointment.

Senator FASSETT.— That was how long ago?

Mr. BROWN.— May 1889, I got the first trial; I tried it in October following; I got it advanced on the calendar for the purpose of getting a decision. Then the main question litigated was as to whether the commissioners were the proper parties plaintiff, or the district-attorney.

Senator MCNAUGHTON.— When will there be a decision reached in the case which you refer to?

Mr. BROWN.— It will be argued the first Monday in November. It might have been argued the latter part of this month but for the absence of the counsel on the other side and my own engagement here, because this is the first day it appeared on the calendar; we did not delay a moment in pushing them along, and we commenced these actions under no agreement with anyone, because we wanted to get the unbiased action of the court for everybody interested in the subject.

Senator MCNAUGHTON.— In the meantime it will be a long while before a decision is reached in the Court of Appeals?

Mr. BROWN.— Oh, yes.

Senator MCNAUGHTON.— Would you recommend to the committee any change in the statute in that respect?

Mr. BROWN.— This statute, Mr. Senator, requires a very careful analysis. It is an incongruous body of law that it is hard to administer and very difficult of interpretation, the entire excise law, and it requires —

Senator MCNAUGHTON.— I refer particularly to the case where a bond was required to be given so that there can be a penalty collected.

Mr. BROWN.— That is a question of policy with the Legislature. They have now provided four penalties for a man who obtains a

license and violates the law, while they have but one penalty for the person who does not obtain the license. There is but one trial for him, while there are two for the man who obtains the license.

Senator McNaughton.— You are an officer of the city of New York interested in its welfare?

Mr. Brown.— Yes, sir.

Senator McNaughton.— Have you any suggestions to make, or would you here, in the progress of the investigation, make a suggestion in that regard?

Mr. Brown.— As I said, I would be very glad to in any isolated cases, but it is with reference to other branches, and the policy of the government would be another question. I would be very glad to make suggestions, because I have endeavored to master this law, but I find it is impossible, and I find even the courts disagree upon it. In the instance where a man had obtained a license and was justified in selling under that license, the case was sustained by the Supreme Court, General Term; that was reversed by the Court of Appeals and he was sent back to be punished, after getting his license to sell liquor.

Mr. Johnson.— If you would commence actions upon all these bonds and it was to be found the commissioners had not either the right to institute the suit or to recover, they would be mulcted in thousands of dollars of costs, personally, would they not?

Mr. Brown.— There is no provision in law to protect the commissioners in that instance. They would be personally liable. There is no protection in the law, although they are obliged to prosecute them. In these cases we did not even incur any expense of service. We sent our inspectors out to serve them. We selected the cases of selling to minors, selling without the hours, selling on Sunday, so that every branch of this probable violation of the law would come up and then meet it when it came, and then let the courts determine.

Senator Fassett.— All these years these bonds have been exacted with scrupulous care and accumulating, I suppose?

Mr. Brown.— Accumulating, sir.

Mr. Ivins.— Judge Brown, you understand, do you not, that these bonds have always been exacted heretofore on the assumption that the city did get a guaranty from the two bondsmen that the person getting the license would observe the law. That was the theory of it, the assumption?

Mr. Brown.— That was probably the theory; the assumption.

Mr. Ivins.— As a matter of fact, it does accomplish nothing of that kind?

Mr. BROWN.—I do not say that, sir; I say it is a question of so much doubt that I am not prepared to say it does.

Mr. IVINS.—I mean down to date. As a matter of fact, down to date, the exaction of these bonds has never resulted in the punishment of anybody by the collection of the penalty, has it?

Mr. BROWN.—No; not during my term of office, and I have never heard of any before, because I think my predecessor prepared two cases and they asked for an appropriation to prosecute those cases before but they prepared two cases and I found them on the calendar when I went into office.

Senator FASSETT.—If anybody has paid anything on those bonds it has been a voluntary payment.

Mr. BROWN.—I do not think there have been any payments made.

Mr. IVINS.—As a matter of efficacy then these bonds might just as well not exist, so far as we have gone to-day.

Mr. BROWN.—Except in cases of hotel licenses. There the evidence must be extrinsic to the cause of revocation, and to what is understood by the word disorderly, in the statute.

Senator FASSETT.—Have any penalties been recovered under those bonds?

Mr. BROWN.—I have recovered judgments but not penalties, although every remedy known to the law has been exhausted.

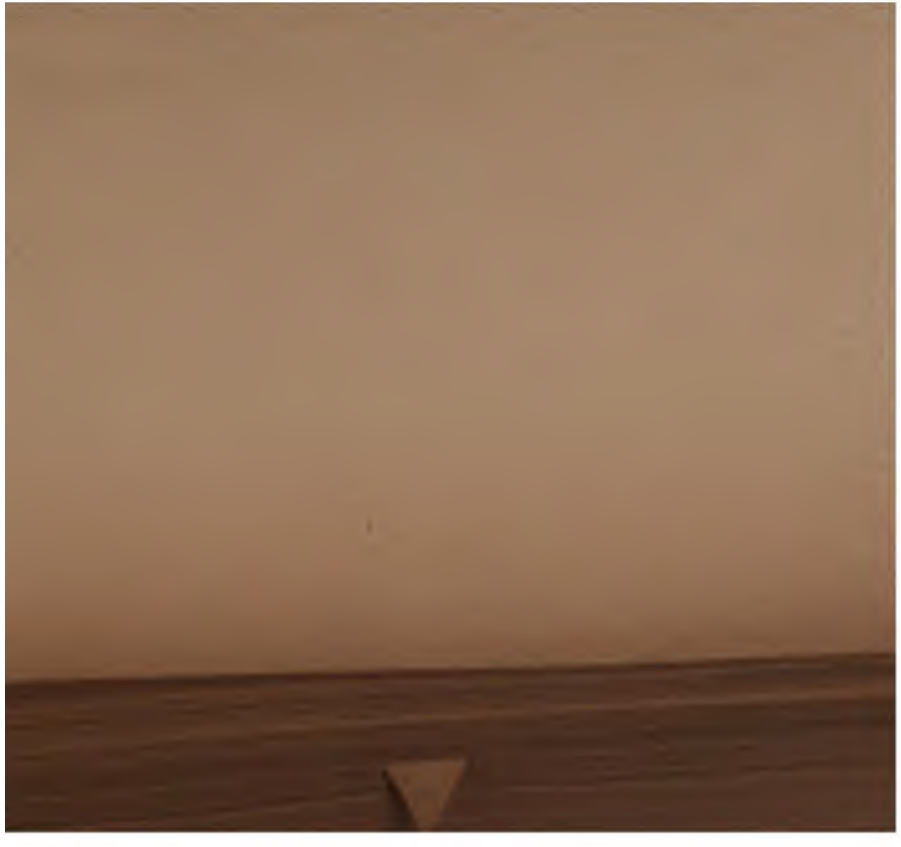
Senator FASSETT.—Because of the insufficiency of the surety?

Mr. BROWN.—Yes; because of the insufficiency of the surety.

Mr. IVINS.—We have found just this, then: We have found that, so far as the inspection is concerned, that has not achieved the purpose for which it is made, in all cases; have found that particularly so far as regards one qualification of the applicant, that is, his character, it has failed almost completely.

Mr. JOHNSON.—Brother Ivins, are you not rather summing up before you get through? You have discovered the gentlemen of the committee may, some of them, differ with you.

Mr. IVINS.—When the committee makes objection, that will be time enough. We have found that this bond which is exacted does not succeed in effecting the purpose for which it has been exacted; we have found that the exaction of oaths does not accomplish the purpose always of securing certainty as to the bona fides of assignments, and we have found heretofore that even where there had been arrests for violations we can not get the cases tried. Now, that is in the nature of a summing up for the purpose of bringing several of the threads of this thing together to help us in going on through the remainder of this investigation.



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